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Financing of the United Nations Operation in Burundi

Performance report for the period from 1 July 2004 to 30 June 2005 and proposed budget for the period from 1 July 2006 to 30 June 2007 of the United Nations Operation in Burundi

Report of the Advisory Committee on Administrative and Budgetary Questions

Appropriation for 2004/05	$329,714,400
Expenditure for 2004/05	$303,794,300
Unencumbered balance for 2004/05	$25,920,100
Appropriation for 2005/06	$292,272,400
Preliminary status of expenditures for 2005/06	$238,964,300[a]
Projected unencumbered balance for 2005/06	$53,308,100[a]
Proposal submitted by the Secretary-General for 2006/07	$144,621,800[b]
Recommendation of the Advisory Committee for 2006/07	$115,221,800

[a] As at 30 June 2006

[b] The figure is comprised as follows:
- $125,960,600 for the period from 1 July to 31 December 2006 (drawdown phase), inclusive of a $78,959,200 commitment authority (as per General Assembly resolution 60/269 for the period from 1 July to 31 October 2006); plus
- $18,661,200 for the period from 1 January to 30 June 2007 (liquidation phase).

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I. Introduction

1. **The recommendations and observations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraphs 21, 26 and 27, and 28 to 32 below would entail a reduction of $29.4 million to the proposed budget for the United Nations Operation in Burundi (ONUB) for the period from 1 July 2006 to 30 June 2007. The Advisory Committee also makes several observations and recommendations regarding the administration and management of the Operation and opportunities for further savings.**

2. The documents used by the Advisory Committee in its consideration of the financing of ONUB are listed at the end of the present report.

II. Performance report for the period from 1 July 2004 to 30 June 2005

3. The General Assembly, by its resolution 59/15 A, appropriated the amount of $329,714,400 gross ($324,280,500 net) for the maintenance of the mission for the period from 1 July 2004 to 30 June 2005, inclusive of the amount of $106,334,600 gross ($105,146,700 net) authorized by the Assembly in its resolution 58/312 for the maintenance of the operation from 1 July to 31 October 2004. The total amount has been assessed on Member States.

4. Expenditure for the period totalled $303,794,300 gross ($298,944,200 net); the resulting unencumbered balance of $25,920,100 represents, in gross terms, 7.9 per cent of the total appropriation of $329,714,400 gross ($324,280,500 net).

5. The mission's unutilized balance is the net effect of savings and additional requirements under various line items. Savings under military personnel were attributable to reduced expenditures for military contingents and observers and civilian police owing to fewer emplacement and rotation trips and lower related costs for airfares. Slower deployment of such personnel resulted in savings under standard troop cost reimbursement, recreational leave allowance, rations and contingent-owned equipment costs. Savings were achieved for international staff since some posts were encumbered at lower grades during the start-up phase of the mission; however, the savings were partially offset by accelerated recruitment of international staff resulting in an actual vacancy rate of 16 per cent, instead of the budgeted 25 per cent. The unutilized balance for mission subsistence allowance for international staff resulted from the reduction of such rates as at 1 February 2005.

6. Savings were also reported for operational requirements. The mission did not install prefabricated facilities but instead rented permanent structures with lower than budgeted lease costs and repaired existing bridges, thereby not utilizing the budgetary provision for two ready-to-assemble bridges. Moreover, the mission purchased 152 higher-capacity generators instead of 193 lower-capacity generators, which also resulted in significant savings for petrol, oil and lubricants under this heading. Furthermore, the mission's engineering section carried out a number of projects after local commercial contractors were unable to do so; this triggered, on the one hand, savings under alteration, renovation and construction services and, on the other hand, significant overexpenditures for maintenance supplies, in part because related materials had to be procured internationally.

7. Lower expenditures were achieved under ground transportation after 20 vehicles, instead of the budgeted 60, were acquired, while reduced petrol, oil and lubricants requirements were due to the delayed deployment of contingent-owned vehicles and the phased delivery of United Nations-owned vehicles. Significantly lower expenditures under air transportation were attributable to: (a) the mission constructing and operating its own helicopter pads and not utilizing ground handling services provided by local authorities; and (b) reduced utilization of six military helicopters owing to weather conditions and to fewer security incidents requiring military intervention, resulting in lower petrol, oil and lubricants requirements. Finally, savings under communications were achieved because setting up a United Nations-owned communications structure proved more efficient than anticipated, local communication services and INMARSAT were therefore not utilized at the budgeted level.

8. Cost overruns were incurred under the heading of mission subsistence allowance for: (a) military observers owing to faster than anticipated deployment, resulting in a 2.2 per cent vacancy rate, as compared to the budgeted 5 per cent delayed deployment factor; and (b) military contingents, following the introduction of mission subsistence allowance payments to staff officers after a review showed that the mission had limited capacity for catering and accommodation owing to other engineering priorities. Additional expenditures were incurred for common staff costs for international staff following accelerated recruitment and owing to a higher ratio of staff on 100-series fixed-term appointments versus staff on 300-series appointments.

9. Regarding operational costs, additional expenditures were incurred in connection with the acquisition of 314 fuel storage tanks following the mission's deployment to five regions, as well as with the acquisition of office furniture, accommodation equipment for the transit camp and higher than budgeted expenditures on water, electricity and cooking gas. Supplementary information provided to the Advisory Committee indicated that, owing to the deployment to five regions, additional expenditures were incurred, inter alia, for: (a) security services for the services of 422 locally hired security guards, including supervisors; (b) expenditures related to residential security measures; (c) the establishment of four additional vehicle maintenance workshops, in addition to the planned centralized workshop, and the acquisition of additional vehicle spare parts; (d) the purchase of additional information technology equipment and related spare parts and supplies; and (e) the acquisition of additional medical equipment and supplies. Additional expenditures were shown for the unplanned acquisition of conference interpretation systems for the new integrated mission headquarters. Lastly, significant overruns occurred because of air transport of equipment and supplies, instead of the budgeted combination of sea/air transport.

10. The comments of the Advisory Committee on the information on individual expenditure objects contained in the performance report can be found in the discussion of the proposed budget for the period from 1 July 2006 to 30 June 2007 in the paragraphs below.

11. The Secretary-General, in his report on liabilities and proposed funding for after-service health insurance (A/60/450), proposed a number of measures that need to be taken to fund and account for the accrued liabilities for after-service health insurance benefits. The measures provided, inter alia, for the transfer of

$250 million from unencumbered balances and savings on, or cancellation of, prior-period obligations of active peacekeeping missions as at the end of the 2005 fiscal year. **Depending on what the General Assembly may decide, there may be a consequential impact on the financing of ONUB and other peacekeeping operations.**

III. Information on performance for the current period

12. The Advisory Committee was informed that, as at 30 June 2005, a total of $687,117,000 had been assessed on Member States with respect to ONUB since its inception. Payments received as at the same date amounted to $655,989,000, leaving an outstanding balance of $31,152,000. As at 25 September 2006, the cash position of the mission was $67,900,000 and unliquidated obligations for the period from 1 July 2004 to 30 June 2005 amounted to $12,292,000.

13. The Advisory Committee was also informed that troop cost reimbursement up to 30 April 2006 totalled $122,437,900, while the amount owed for the period from 1 May to 31 August 2006 was $16,585,700. With regard to contingent-owned equipment, the Committee was informed that as at 31 August 2006, an amount of $56,313,300 had been reimbursed and the estimated amount owed was $2,220,200, while unliquidated obligations for the period ending 30 June 2006 totalled $15,951,400. In respect of death and disability compensation, $735,000 had been paid, since inception, as at 31 August 2006 for 22 claims; 6 claims were pending, with unliquidated obligations amounting to $614,000. **The Advisory Committee trusts that the outstanding claims will be settled expeditiously.**

14. The Advisory Committee was informed that, as at 30 June 2006, the incumbency of ONUB for the period from 1 July 2005 to 30 June 2006 was as follows:

	Authorized posts	Encumbered posts	Vacancy rate/planned deployment rate (percentage)
Military observers	200	111	44.5
Military contingent personnel	5 450	3 188	17.5
United Nations police	120	76	36.7
International staff[a,b]	392	303	22.7
National staff[a,b]	174	551	8.3
United Nations Volunteers[a]	163	104	36.2

[a] Excludes 125 staff of the Electoral Assistance Office (16 international staff, 74 national staff and 35 United Nations Volunteers) retained until 1 October 2005.

[b] Includes general temporary assistance positions for the Conduct and Discipline Team (1 P-5, 2 P-4, 1 P-2, 1 FS, 1 national officer, 1 national General Service staff).

15. The Advisory Committee was provided with the preliminary status of expenditures for the period from 1 July 2005 to 30 June 2006 (see annex I). Preliminary expenditures for the period, as at 30 June 2006, amounted to $238,964,300 gross ($232,971,700 net), against an apportionment of $292,272,400 gross ($283,975,300 net). This indicates a preliminary budget implementation rate

of only 81.8 per cent, with an expected unencumbered balance of $53,308,100 (gross) for the 2005/06 period.

16. The Advisory Committee notes that significant variances are shown under various line items in the preliminary expenditure analysis table that was provided by the Secretariat upon request (see annex II). Significant savings are anticipated under United Nations police (45.7 per cent), national staff (24.2 per cent), consultants (35.8 per cent), air transportation (65.4 per cent), naval transportation (84.7 per cent) and special equipment (35.8 per cent).

17. **The Advisory Committee has recognized the fluid nature of peacekeeping operations and the fact that changing conditions can result in expenditure variations, especially in new missions or those with expanded mandates. ONUB, however, is an established mission and a greater degree of budgetary stability with accurate cost estimate projections is to be expected. Moreover, the Committee has pointed to problems of overbudgeting for ONUB in the past. For example, the original budget proposal for the 2004/05 period amounted to $333,174,000; in its report (A/59/412, para. 33) the Committee recommended a reduction to $329,714,400, which was endorsed by the General Assembly in its resolution 59/15 A. Meanwhile, the performance report for the corresponding period (A/60/612) indicates expenditures in the amount of $303,794,300, or $29,379,700 (9 per cent) below the original budget proposal.**

18. **The Advisory Committee reiterates its recommendation that budgetary assumptions continue to be refined with closer scrutiny of expenditure patterns by ONUB and by Headquarters (see A/60/893, para. 8). The Committee comments below on the relation of the expenditure experience for the 2005/06 period to the budgetary assumptions for the 2006/07 period.**

IV. Proposed budget for the period from 1 July 2006 to 30 June 2007

A. Mandate and plaanned results

19. The mandate of ONUB was established by the Security Council in its resolution 1545 (2004). In paragraph 1 of its resolution 1692 (2006), the Council decided to extend the mandate of ONUB until 31 December 2006. In paragraph 3, the Council welcomed the intention of the Secretary-General to establish at the end of the period an integrated office of the United Nations in Burundi. In this context, the Advisory Committee notes from paragraph 4 of the budget document (A/61/309) the anticipated establishment, on 1 January 2007, of the United Nations Integrated Office in Burundi (BINUB); the Committee was informed by the Secretariat that the question of the follow-on mission would be taken up by the Council at a later date.

20. With regard to the results-based budgeting framework, the Advisory Committee points out that it is necessary to indicate clearly whether expected accomplishments are the responsibility of the mission or the Government. **The Advisory Committee trusts that in future, with respect to BINUB, the results-based budgeting framework will focus on the contribution of the mission to the programmes of the Government.**

B. Resource requirements

21. **The Advisory Committee has expressed its concern with regard to the budgetary assumptions for the 2005/06 period (see paras. 16-18 above). It appears to the Committee that estimates for the 2006/07 period may be similarly overstated. Upon request, the Committee was provided with revised 2006/07 cost estimates amounting to $140,193,800 (gross), or a reduction of $4,428,000 (gross) in comparison with the original submission of $144,621,800 (see annex III). On the basis of this information and taking into account the significant pattern of underexpenditure/overbudgeting referred to above, the Advisory Committee recommends a reduction of $29.4 million for six months of the estimate for 2006/07 (i.e. 1 July to 31 December 2006), as follows:**

(a) **A pro rata reduction of $25 million based on the budget performance for 2005/06 (see para. 15 above);**

(b) **A reduction of $4.4 million based on the revised cost estimates for the 2006/07 period (see annex III).**

1. **Military and civilian police personnel**

Category	Approved 2005/06	Proposed 2006/07[a]	Variance
Military observers[b]	200	106	(94)
Military contingents[b]	5 450	3 413	(2 037)
United Nations civilian police	120	15	(105)

[a] Following the period from 1 July to 31 December 2006, all military and police personnel will be withdrawn.

[b] Excludes 50 military observers and 910 military contingent personnel deployed to the United Nations Organization Mission in the Democratic Republic of the Congo.

22. The proposed budget for military and police personnel amounts to $72,825,400 and covers the period from 1 July to 31 December 2006, during which a complete drawdown will take place. Upon enquiry, the Advisory Committee was informed that one infantry battalion and one medical company currently deployed in the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) would be directly withdrawn from that Mission. The Committee recalls that the Security Council, in paragraph 2 of its resolution 1692 (2006), decided to extend until 30 September 2006 the authorization contained in paragraph 1 of its resolution 1669 (2006) for the Secretary-General to redeploy temporarily a maximum of one infantry battalion, a military hospital and 50 military observers from ONUB to MONUC, in accordance with resolution 1669 (2006), with the intention of renewing such authorization according to future decisions by the Council concerning the renewal of the mandate of MONUC. The Committee was also informed that no provisions were made in the 2006/07 budget for any military contingent or police personnel beyond 31 December 2006.

2. Civilian personnel

Category	*Approved 2005/06*	*Proposed 2006/07*	Variance
International staff[a]	192	122	(70)
National staff[b]	374	377	3
United Nations Volunteers	163	117	(46)

[a] Includes Conduct and Discipline Team positions funded under general temporary assistance (3 international and 2 national staff).

[b] Includes national officers and national General Service personnel.

General comments

23. The proposed budget for the 2006/07 period for civilian personnel is estimated at $42,330,900, an amount of $30,465,700 is proposed for the drawdown period from 1 July to 31 December 2006 and an amount of $11,865,200 for the liquidation period from 1 January to 30 June 2007. As noted above, the Secretariat prepared, upon enquiry, a table showing possible cost reductions applied to the 2006/07 budget proposal (see annex III). With regard to civilian personnel, the Advisory Committee notes that a vacancy factor of 10 per cent was applied to the original 2006/07 budget proposal for the entire 12-month period; however, in the table showing possible cost reductions, a 10 per cent vacancy factor was applied for the drawdown period and a 19 per cent vacancy factor for the liquidation period, resulting in savings in the amount of $1,797,500. The Committee was informed that a total of 21 staff had been provided on loan to other newly established or expanding peacekeeping missions. **In the opinion of the Advisory Committee, vacancy rates in the original budget proposal should have reflected the planned drawdown and liquidation. Furthermore, lessons learned from the experience of other missions should have been applied at an early stage.**

Recommendations on posts and positions

24. **The Advisory Committee recommends approval of the proposed staffing redeployments, reclassifications, conversions and abolitions for the reasons given in the report of the Secretary-General (A/61/309), taking into account that the mission is closing down.**

25. **The Advisory Committee also recommends approval of the establishment of three new national posts, which are proposed to deal with spikes in workload with regard to human rights and administrative services during the drawdown and liquidation phases, as follows:**

(a) **Two national officer posts, Human Rights Office, component 4, human rights and humanitarian assistance (see A/61/309, justification, Human Rights Office, Human Rights Section);**

(b) **One National Officer post, Office of the Chief Administrative Services, component 5, support (see A/61/309, below heading "Administrative Services").**

3. Operational costs

Apportioned 2005/06	*Proposed 2006/07*	*Variance*
$77 561 000	$29 467 500	($48 093 500)

General temporary assistance

26. Requirements for general temporary assistance, estimated at $638,400, relate solely to general temporary assistance for the Conduct and Discipline Team. In this regard, the Secretary-General proposes the abolition of the P-5 Senior Conduct and Discipline Officer position, with the remaining staff staying on board until 31 December 2006, at which time conduct and discipline staff of a yet to be established follow-on mission would take over (see A/61/309, justification below table 6). Except for the abolition of the P-5 position, the Team would continue at its current staffing level of six general temporary assistance positions, four international staff (2 P-4, 1 P-2 and 1 Field Service) and two national staff. The Advisory Committee was informed that it was anticipated that related workload was expected to increase with the departure of troops, civilian police and civilian personnel in that pending cases would need to be finalized and new cases would be brought forward. However, no specific details with regard to the actual current workload were provided. The Committee notes that the drawdown of military, police and civilian personnel was well under way at the time of the hearings.

27. **The Advisory Committee believes that the Conduct and Discipline Team should be sufficiently experienced to have at least some knowledge of possible new cases, especially serious ones, which might emerge in the coming months. It is of the view therefore that at this stage, a smaller Conduct and Discipline Team could adequately serve ONUB. The Committee therefore recommends the abolition of one P-4 and one P-2 position, or a reduction of the Conduct and Discipline Team from six general temporary assistance positions to a total of four.**

Official travel and training

28. Requirements for official travel for the 2006/07 budget period amount to $665,600; this represents a decrease of $667,400 (50.1 per cent) over the previous budget period. Supplementary information provided to the Advisory Committee indicates that the reduced estimate is due to the downsizing of the mission, the completion of substantive activities by 31 December 2006 and reduced training programmes outside the mission area. Of this amount, requirements for official travel for training are estimated at $189,400; this represents a decrease of $171,900 (47.6 per cent) when compared to the 2005/06 budget period. **The Advisory Committee points out that the training budget for 2005/06 was for a full 12-month period, from 1 July 2005 to 30 June 2006. However, the proposed estimate for 2006/07 covers only six months, from 1 July to 31 December 2006; therefore, a "reduction" of approximately one half would in fact be a maintenance budget in this case.**

29. **In the view of the Advisory Committee, the ONUB planned training programme seems to be inappropriate for a mission approaching its drawdown period.** Supplementary information provided to the Committee indicates that, from 1 July to 31 December 2006, the mission plans to train a total of 1,187 staff within

the mission area and a total of 27 staff outside the mission area. The Committee recognizes the need for some in-mission training, such as security (58 staff) or medical (25 staff) training. However, other planned training appears more appropriate for a mission in its active maintenance stage rather than for a mission in the drawdown stage.

30. **With regard to the distance learning programmes of the United Nations Institute for Training and Research (UNITAR), the Advisory Committee notes that these are flexible and can be completed outside working hours; however, the Committee believes that making such training available to 574 staff at this stage is excessive, in particular since UNITAR charges an access rate based on the number of participants registered. Other training courses will require staff to be away from their regular duties during normal working hours. The Committee believes that staff should by now be adequately familiar with their tasks so that no new specialized training is required. In the view of the Committee, the mission should focus its use of training resources on the enhancement of the specific skills which will be required for the liquidation phase.**

31. The Advisory Committee also notes that the ONUB proposed training plan includes in-mission French/English and English/French language training for 120 staff. **In this connection and in view of the difficulties in making available adequate numbers of French-speaking staff, the Advisory Committee urges the Department of Peacekeeping Operations to continue efforts to meet the need for francophone candidates for civilian staff in peacekeeping operations (see A/60/869, para. 25). The Committee will continue to follow up on this matter.**

32. The Committee notes that proposed training outside the mission area would entail the absence from the area of: (a) one staff member for 10 days for air transport-related training; (b) four staff members for a one-week training programme in Brindisi, Italy, on movement control-related matters; (c) one staff member for 7 days for property control-related training; and (d) six staff members for 10 days for communications-related training. **In the opinion of the Advisory Committee, it would not be prudent to plan such absences of staff in the short time remaining until the end of the mission.**

4. Other comments

Preliminary asset disposal plan

33. Upon enquiry, the Advisory Committee was provided with the ONUB preliminary asset disposal plan. Assets valued at approximately $54,517,839 have been categorized among the five commonly used distribution categories. A total of $44,115,475 has been included in group I and designated as equipment in good condition, to be redeployed to other peacekeeping operations or placed in reserve for start-up kits for future missions. The Committee was informed that assets included in group I were prioritized for use by the ONUB follow-on mission. **The Advisory Committee trusts that no significant resource requests for new equipment will be forthcoming within the context of the ONUB follow-on mission.**

Liquidation of the United Nations Operation in Burundi, establishment of and transition to the planned follow-on mission

34. In paragraph 13 of the budget document, it is stated that the ONUB integrated mission headquarters would be handed over to the United Nations Integrated Office in Burundi, the follow-on mission, at the end of the administrative liquidation period. The ONUB liquidation period is scheduled to commence on 1 January 2007 and conclude on 30 June 2007, while the establishment of the follow-on mission is earmarked for 1 January 2007. This would result in an overlapping time period of six months. **The Advisory Committee notes that paragraph 13 of the budget document appears to imply that a sharing of resources would take place during these six months; this was confirmed by the Secretariat during the hearings. The Advisory Committee trusts that the ONUB liquidation and the follow-on mission's activities will be conducted separately and with the appropriate accounting of resources.**

35. **With regard to the transition to the planned follow-on mission, the Advisory Committee believes that this presents a welcome opportunity for ONUB to apply lessons learned from other peacekeeping missions, such as the time frame for completion of liquidation and identification and transfer of assets to the planned follow-on mission.**

V. Conclusion

36. The action to be taken by the General Assembly in connection with the financing of ONUB for the period from 1 July 2004 to 30 June 2005 is indicated in paragraph 22 of the performance report (A/60/612). **The Advisory Committee recommends that the unencumbered balances of $115,500 with respect to the period from 21 April to 30 June 2004, and $25,920,100 for the period ended 30 June 2005, as well as other income and adjustments in the amount of $5,603,000, be credited to Member States in a manner to be determined by the General Assembly.**

37. The actions to be taken by the General Assembly in connection with the financing of ONUB for the period from 1 July 2006 to 30 June 2007 are indicated in paragraph 55 of the proposed budget (A/61/309). Taking into account its recommendations in paragraphs 21 and 26 to 32 above, the Advisory Committee recommends that the estimated budget requirements of $144,621,800 be reduced by $29.4 million. **Accordingly, the Advisory Committee recommends that the General Assembly appropriate an amount of $115,221,800 for the 12-month period from 1 July 2006 to 30 June 2007, inclusive of commitment authority in the amount of $78,959,200 provided by the Assembly in its resolution 60/269 for the maintenance of the Operation for the period from 1 July to 31 October 2006.**

Documentation

- Budget for the United Nations Operation in Burundi for the period from 1 July 2006 to 30 June 2007 (A/61/309)
- Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed budget of the United Nations Stabilization Mission in Haiti for the period from 1 July 2006 to 30 June 2007 (A/60/869)
- Performance report on the budget of the United Nations Operation in Burundi for the period from 1 July 2004 to 30 June 2005 (A/60/612 and Corr.1)
- Report of the Advisory Committee on Administrative and Budgetary Questions on the expenditure report for the period from 21 April to 30 June 2004 and proposed budget for the period from 1 July 2005 to 30 June 2006 of the United Nations Operation in Burundi (A/59/736/Add.12)
- Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed budget of the United Nations Operation in Burundi for the period from 1 July 2004 to 30 June 2005 (A/59/412)
- Seventh report of the Secretary-General on the United Nations Operation in Burundi (S/2006/429 and Add.1)
- Sixth report of the Secretary-General on the United Nations Operation in Burundi (S/2006/163*)
- Fifth report of the Secretary-General on the United Nations Operation in Burundi (S/2005/728)
- Security Council resolutions 1545 (2004), 1650 (2005) and 1692 (2006)
- General Assembly resolutions 58/312 and 59/15 A and B on the financing of the United Nations Operation in Burundi

Annex I

Preliminary status of expenditures for the period from 1 July 2005 to 30 June 2006 as at 30 June 2006

(Thousands of United States dollars)

Category	*Apportionment*	*Expenditures as at 30 June 2006*
Military and civilian police personnel		
Military observers	9 969.8	8 640.6
Military contingents	127 007.8	108 505.3
United Nations police	5 981.9	3 248.5
Formed police units	—	—
Subtotal	**142 959.5**	**120 394.4**
Civilian personnel		
International staff	58 608.9	47 551.4
National staff	8 137.9	6 170.4
United Nations Volunteers	5 005.1	5 913.4
Subtotal	**71 751.9**	**59 635.2**
Operational costs		
General temporary assistance	511.2	952.3
Government-provided personnel	—	—
Civilian electoral observers	—	—
Consultants	167.2	107.3
Official travel	1 333.0	1 794.4
Facilities and infrastructure	33 402.9	27 764.0
Ground transportation	4 683.5	4 097.0
Air transportation	15 370.2	5 317.8
Naval transportation	824.1	126.4
Communications	9 179.6	6 521.5
Information technology	2 360.3	1 878.4
Medical	2 147.3	4 196.0
Special equipment	2 328.2	1 495.7
Other supplies, services and equipment	4 253.5	3 706.5
Quick-impact projects	1 000.0	977.4
Subtotal	**77 561.0**	**58 934.7**
Gross requirements	**292 272.4**	**238 964.3**
Staff assessment income	8 297.1	5 992.6
Net requirements	**283 975.3**	**232 971.7**
Voluntary contributions in kind (budgeted)	—	—
Total requirements	**292 272.4**	**238 964.3**

Annex II

Preliminary status of expenditures for the period from 1 July 2005 to 30 June 2006

(Thousands of United States dollars)

Category	*Apportionment*	*Expenditures as at 30 June 2006*	*Unencumbered balance*	*Percentage*	*Reason for over/(under) expenditure/savings (if any)*
Military and civilian police personnel					
Military observers	9 969.8	8 640.6	1 329.2	13.3	Savings are mainly attributable to the drawdown of military observers in the second half of the financial period owing to the early commencement of the downsizing of the mission
Military contingents	127 007.8	108 505.3	18 502.5	14.6	Savings are mainly attributable to the drawdown of military contingent personnel in the second half of the financial period owing to the early commencement of the downsizing of the mission
United Nations police	5 981.9	3 248.5	2 733.4	45.7	Savings are mainly attributable to the drawdown of United Nations police officers in the second half of the financial period owing to the early commencement of the downsizing of the mission
Formed police units					
Subtotal	**142 959.5**	**120 394.4**	**22 565.1**	**15.8**	
Civilian personnel					
International staff	58 608.9	47 551.4	11 057.5	18.9	Savings are primarily attributable to the higher than budgeted vacancy rate (20.1 per cent as compared to 5 per cent), as in the second half of the financial period no recruitment action was taken to fill some vacant posts in view of the anticipated downsizing and closing of the mission in the 2006/07 period
National staff	8 137.9	6 170.4	1 967.5	24.2	Savings are primarily attributable to delayed recruitment of national staff with the resulting higher than budgeted vacancy rate for national General Service staff (9.6 per cent as compared to 5 per cent) combined with the lower actual average grade level of national staff compared to the budgeted level

Category	Apportionment	Expenditures as at 30 June 2006	Unencumbered balance	Percentage	Reasons for over-expenditure/savings (if any)
United Nations Volunteers	5 005.1	5 913.4	(908.3)	(18.1)	Overexpenditure is due to higher requirements as per the actual agreement with the United Nations Volunteers programme (the budgeted provisions were based on preliminary estimates).
Subtotal	**71 751.9**	**59 635.2**	**12 116.7**	**16.9**	
Operational costs					
General temporary assistance	511.2	952.3	(441.1)	(86.3)	Overexpenditure is due to requirements for the Conduct and Discipline Team. No provision was made for this purpose in the 2005/06 budget and costs related to the establishment of additional general temporary assistance positions for the Team pursuant to General Assembly resolution 59/300 were absorbed within the appropriation provided by the Assembly for ONUB for the 2005/06 period.
Government-provided personnel					
Civilian electoral observers					
Consultants	167.2	107.3	59.9	35.8	Reflect actual expenditures.
Official travel	1 333.0	1 794.4	(461.4)	(34.6)	Overexpenditures are primarily attributable to additional travel required for multidisciplinary mission assessment teams to plan for the drawdown of ONUB, and increased within-mission travel.
Facilities and infrastructure	33 402.9	27 764.0	5 638.9	16.9	Savings are attributable mainly to the early commencement of the downsizing of the mission, which resulted in lower requirements for the construction of camps and regional transport workshops, alteration, renovation and maintenance services, and generator fuel.
Ground transportation	4 683.5	4 097.0	586.5	12.5	Savings are primarily attributable to the transfer of vehicles, resulting in lower actual requirements for vehicle fuel, spare parts and maintenance as well as fewer than budgeted vehicle replacements.
Air transportation	15 370.2	5 317.8	10 052.4	65.4	Savings are attributable to the non-deployment of attack helicopters, early repatriation for 2 helicopters in April 2006 and fewer military air operation hours owing to the prevailing stable security situation.
Naval transportation	824.1	126.4	697.7	84.7	Savings are attributable primarily to the non-utilization of commercial vessels for the transportation of goods to and from the mission area on Lake Tanganyika.

Category	Apportionment	Expenditures as at 30 June 2006	Unencumbered balance	Percentage	Reason for overexpenditure/savings (if any)
Communications	9 179.6	6 521.5	2 658.1	29.0	Savings are attributable to the drawdown of military personnel and consequential lower requirements for communications spare parts, supplies and maintenance
Information technology	2 360.3	1 878.4	481.9	20.4	Savings are attributable mainly to the early commencement of the downsizing of the mission and related lower requirements for information technology equipment, spare parts and supplies
Medical	2 147.3	4 196.0	(2 048.7)	(95.4)	Overexpenditures are attributable primarily to the acquisition of vaccines and supplies to ensure the mission's preparedness for a possible avian flu pandemic, and to higher requirements for the reimbursement of a troop-contributing Government for the use of the level-II hospital based on the actual number of troops receiving medical treatment at the hospital
Special equipment	2 328.2	1 495.7	832.5	35.8	Savings under self-sustainment are due to the drawdown of military personnel in the second half of the financial period owing to the early commencement of the downsizing of the mission
Other supplies, services and equipment	4 253.5	3 706.5	547.0	12.9	Savings are attributable primarily to lower requirements for freight costs, operational maps, uniforms, printing and reproduction services and reserve rations for international staff
Quick-impact projects	1 000.0	977.4	22.6	2.3	Reflect actual expenditures
Subtotal	**77 561.0**	**58 934.7**	**18 626.3**	**24.0**	
Gross requirements	**292 272.4**	**238 964.3**	**53 308.1**	**18.2**	
Staff assessment income	8 297.1	5 992.6	2 304.5	27.8	
Net requirements	**283 975.3**	**232 971.7**	**51 003.6**	**18.0**	
Voluntary contributions in kind (budgeted)	—	—	—	—	
Total requirements	**292 272.4**	**238 964.3**	**53 308.1**	**18.2**	

Annex III

Summary of financial resources

A. July 2006 to 30 June 2007

(Thousands of United States dollars)

Category	1 July 2004 to 30 June 2005 Expenditures (1)	1 July 2005 to 30 June 2006 Apportionment (2)	1 July 2006 to 30 June 2007 Cost estimates (3)	1 July 2006 to 30 June 2007 Revised estimates (4)	Difference (5) = (4) − (3)	Variance Amount (6)=(4)-(2)	Variance Percentage (7) = (6) ÷ (2)
Military and civilian police personnel							
Military observers	8 952.1	9 969.8	3 406.3	3 406.3	—	(6 563.5)	(65.8)
Military contingents	116 604.3	127 007.8	68 994.8	66 906.4	(2 088.4)	(60 101.4)	(47.3)
United Nations police	3 652.8	5 981.9	422.3	422.3	—	(5 559.6)	(92.9)
Formed police units	—	—	—	—	—	—	—
Subtotal	**129 209.2**	**142 959.5**	**72 823.4**	**70 735.0**	**(2 088.4)**	**(72 224.5)**	**(50.5)**
Civilian personnel							
International staff[a]	40 911.5	58 608.9	35 113.0	33 447.6	(1 665.4)	(25 161.3)	(42.9)
National staff[b]	3 354.8	8 137.9	3 836.9	3 704.8	(132.1)	(4 433.1)	(54.5)
United Nations Volunteers[c]	4 863.0	5 005.1	3 381.0	3 381.0	—	(1 624.1)	(32.4)
Subtotal	**49 129.3**	**71 751.9**	**42 330.9**	**40 533.4**	**(1 797.5)**	**(31 218.5)**	**(43.5)**
Operational costs							
General temporary assistance	438.9	511.2	638.4	638.4	—	127.2	24.9
Government-provided personnel	—	—	—	—	—	—	—
Civilian electoral observers	—	—	—	—	—	—	—
Consultants	415.7	167.2	117.0	117.0	—	(50.2)	(30.0)
Official travel	1 628.4	1 333.0	665.6	665.6	—	(667.4)	(50.1)
Facilities and infrastructure	60 385.2	33 402.9	13 987.5	13 701.7	(285.8)	(19 701.2)	(59.0)
Ground transportation	15 630.8	4 683.5	2 662.8	2 662.8	—	(2 020.7)	(43.1)
Air transportation	7 785.0	15 370.2	1 996.2	1 996.2	—	(13 374.0)	(87.0)
Naval transportation	111.3	824.1	56.4	56.4	—	(767.7)	(93.2)
Communications	17 657.7	9 179.6	2 888.9	2 763.2	(125.7)	(6 416.4)	(69.9)

Category	1 July 2004 to 30 June 2005 Expenditures (1)	1 July 2005 to 30 June 2006 Apportionment (2)	1 July 2006 to 30 June 2007 Cost estimates (3)	1 July 2006 to 30 June 2007 Revised estimates (4)	Variance 2007 cost estimates (5) = (4) − (3)	Variance Amount (6) = (4) − (2)	Variance Percentage (7) = (6) ÷ (2)
Information technology	6 805.5	2 360.3	754.1	754.1	—	(1 606.2)	(68.1)
Medical	3 654.3	2 147.3	1 483.2	1 412.7	(70.5)	(734.6)	(34.2)
Special equipment	2 264.4	2 328.2	801.3	741.2	(60.1)	(1 587.0)	(68.2)
Other supplies, services and equipment	7 679.7	4 253.5	3 416.1	3 416.1	—	(837.4)	(19.7)
Quick-impact projects	998.9	1 000.0	—	—	—	(1 000.0)	(100.0)
Subtotal	**125 455.8**	**77 561.0**	**29 467.5**	**28 925.4**	**(542.1)**	**(48 635.6)**	**(62.7)**
Gross requirements	**303 794.3**	**292 272.4**	**144 621.8**	**140 193.8**	**(4 428.0)**	**(152 078.6)**	**(52.0)**
Staff assessment income	4 850.1	8 297.1	4 124.7	3 895.6	(229.1)	(4 401.5)	(53.0)
Net requirements	**298 944.2**	**283 975.3**	**140 497.1**	**136 298.2**	**(4 198.9)**	**(147 677.1)**	**(52.0)**
Voluntary contributions in kind (budgeted)	—	—	—	—	—	—	—
Total requirements	**303 794.3**	**292 272.4**	**144 621.8**	**140 193.8**	**(4 428.0)**	**(152 078.6)**	**(52.0)**

[a] Cost estimates for 2006/07 are inclusive of a 10 per cent vacancy rate in the drawdown period and 19 per cent in the liquidation period, compared to a 5 per cent vacancy rate applied in 2005/06.

[b] Cost estimates for 2006/07 are inclusive of a 10 per cent vacancy rate compared to a 5 per cent vacancy rate applied in 2005/06.

[c] Cost estimates for 2006/07 are inclusive of a 10 per cent vacancy rate compared to a 3 per cent vacancy rate applied in 2005/06.

B. July 2005 to 30 June 2006

(Thousands of United States dollars)

Group	*1 July 2004 to 30 June 2005*	*1 July 2005 to 30 June 2006*	*1 July 2006 to 30 June 2007*	*1 July 2006 to 30 June 2007*		*Variance*	
	Expenditures	*Apportionment*	*Cost estimates*	*Revised estimates*	*Difference*	*Amount*	*Percentage*
Military and police personnel	129 209.2	142 959.5	72 823.4	70 735.0	(2 088.4)	(72 224.5)	(50.5)
Civilian personnel	49 129.3	71 751.9	42 330.9	40 533.4	(1 797.5)	(31 218.5)	(43.5)
Operational costs	125 455.8	77 561.0	29 467.5	28 925.4	(542.1)	(48 635.6)	(62.7)
Gross requirements	**303 794.3**	**292 272.4**	**144 621.8**	**140 193.8**	**(4 428.0)**	**(152 078.6)**	**(52.0)**
Staff assessment income	4 850.1	8 297.1	4 124.7	3 895.6	(229.1)	(4 401.5)	(53.0)
Net requirements	**298 944.2**	**283 975.3**	**140 497.1**	**136 298.2**	**(4 198.9)**	**(147 677.1)**	**(52.0)**
Voluntary contributions in kind (budgeted)	—	—	—	—	—	—	—
Total requirements	**303 794.3**	**292 272.4**	**144 621.8**	**140 193.8**	**(4 428.0)**	**(152 078.6)**	**(52.0)**

United Nations A/61/486

General Assembly

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Sixty-first session
Agenda items 13, 14, 18, 42, 51, 52, 55, 56, 112, 113 and 149

The situation in the Middle East

Question of Palestine

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Economic and Social Council

Macroeconomic policy questions

Follow-up to and implementation of the outcome of the International Conference on Financing for Development

Globalization and interdependence

Groups of countries in special situations

Strengthening of the United Nations system

Follow-up to the outcome of the Millennium Summit

United Nations reform: measures and proposals

Letter dated 28 September 2006 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the ministerial statement adopted at the thirtieth annual meeting of ministers of foreign affairs of the Group of 77, held at United Nations Headquarters in New York on 22 September 2006 (see annex).

On behalf of the Group of 77 and China, I would appreciate it if the present letter and its annex were circulated as a document of the sixty-first session of the General Assembly, under agenda items 13, 14, 18, 42, 51, 52, 55, 56, 112, 113 and 149.

(*Signed*) Dumisani S. **Kumalo**
Ambassador
Permanent Representative of South Africa to the United Nations
Chairman of the Group of 77

06-55243 (E) 061006

Annex to the letter dated 28 September 2006 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

Ministerial statement

1. The Ministers of Foreign Affairs of the Member States of the Group of 77 and China met in New York, at the United Nations Headquarters, on 22 September 2006 on the occasion of their 30th Annual Meeting.

2. The Ministers stressed the importance of the implementation of the Outcome of the Second South Summit held in Doha, State of Qatar, from 12 to 16 June 2005. They committed themselves to the effective implementation of the Doha Plan of action as well as the outcomes of various follow-up meetings and conferences convened by the Group of 77 since the First South Summit held in Havana, Cuba from 10-14 April 2000.

3. The Ministers reaffirmed the outcome of the Special Ministerial Meeting of the Group of 77 and China convened in Putrajaya, Malaysia on 29 May 2006 regarding the measures to reform and strengthen the United Nations, including its Secretariat, and reiterated the common position reflected in the G77 Ministerial Statement adopted by the Special Ministerial Meeting. The Ministers stressed the importance of ensuring that the interests of developing countries are reflected in the outcome of the negotiations to strengthen the United Nations.

4. The Ministers expressed serious concern over the suspension of negotiations which jeopardizes the delivery on the development promises of the Doha Round for developing countries and call upon the developed countries to demonstrate flexibility and political will necessary for breaking the current impasse in the negotiations. They recognized the mandates contained in the Doha Ministerial Declaration, the WTO General Council decision of August 1, 2004 and the Hong Kong Ministerial Declaration. The Ministers called for a prompt resumption of the negotiations to place the needs and interests of developing countries, and in particular least developed countries, at the heart of the Doha Work Programme, which called for the successful and timely completion of the Doha round of trade negotiations with the fullest realization of the development dimensions of the Doha Work Programme.

5. The Ministers stressed the importance of facilitating the accession of all developing countries, in particular the LDCs, that apply for membership in the World Trade Organisation (WTO), consistent with its criteria and taking into account their development level, bearing in mind paragraph 21 of General Assembly resolution 55/182 and subsequent developments, and called for the effective and faithful application of the WTO guidelines on accession by the LDCs.

6. The Ministers stressed the urgent need for comprehensive reform of the international financial architecture towards enhancing the voice and participation of developing countries and welcomed the Memorandum of Understanding between the Chairman of G-77 and the Chairman of G-24 signed in Singapore on 14 September 2006 regarding, inter alia, the need for the effective voice, representation and participation of developing countries in the international decision making process, in particular in the international financial institutions.

7. The Ministers reaffirmed their commitment to strengthen the role of United Nations in the area of development and poverty eradication. In this regard, they emphasized the need to strengthen ECOSOC and the importance of the operationalization of its new functions as mandated by the 2005 World Summit. They called for early conclusion of General Assembly consultations on the ECOSOC strengthening resolution and underscored the need for allocating additional resources for these new functions.

8. The Ministers reiterated the significance of increased financing for development, including the need to meet the long-standing target of 0.7 per cent of GNP for ODA to developing countries, wider and deeper debt relief to developing countries, as well as ongoing efforts aimed at identifying additional, innovative sources of financing.

9. The Ministers called upon developed countries to ensure that information on their efforts to increase the volume of official development assistance is made available to the relevant United Nations intergovernmental bodies, including

through making best use of sources such as the Development Assistance Committee of the Organization for Economic Cooperation and Development.

10. The Ministers welcomed the holding of the Meeting of Ministers of Science and Technology of the Member States of the Group of 77 held in Angra dos Reis, (Rio de Janeiro), Brazil on the 3rd September 2006, and in this regard commended the Government of Brazil for organizing the meeting. They also welcomed the decision to launch the Consortium on Science, Technology and Innovation for the South (COSTIS) in accordance with the mandate of the Second South Summit (paragraph 35 of Doha Plan of Action).

11. The Ministers also welcomed the holding of the Second Experts Meeting of the Action Committee on Raw Materials (ACRM) in Abuja, Nigeria from 1st to 3rd August 2006 and stressed the need for action to facilitate the realization of the 7 objectives of the ACRM.

12. The Ministers further welcomed the ongoing preparations for the Ministerial Forum on Water Resources Management to be held in Muscat, (Sultanate of Oman) in the first semester of 2007 in accordance with the mandate of the Marrakech Framework for Implementation of South-South Cooperation (paragraph 26). In this context, the Ministers warmly welcomed the generous offer by the Government of the Sultanate of Oman to host this forum.

13. The Ministers stressed the importance of the full implementation of the Almaty Programme of Action and in this regard noted the convening of the First Summit Meeting of Landlocked Developing Countries on 14th September 2006 in Havana, the Republic of Cuba.

14. The Ministers stressed the full and timely implementation of the Cotonou Strategy for the Further Implementation of the Brussels Plan of Action for the Least Developed Countries for the Decade 2001-2010.

15. The Ministers welcomed the offer of the State of Qatar to host the first follow-up Conference to review the implementation of the outcome of the International Conference on Financing for Development, which will be held in Doha between 2008 and 2009.

16. The Ministers welcomed the convening, in New York, on 14 and 15 September 2006, of the High-Level Dialogue on International Migration and Development, which provided an opportunity for discussing the multidimensional aspects of international migration and development. They called for an appropriate follow-up of the High-Level Dialogue within the United Nations.

17. The Ministers reiterated the urgent need to further strengthen the Special Unit for South-South Cooperation in accordance with the General Assembly resolution 60/212 as the U.N System coordinating body for South-South Cooperation. They expressed their appreciation for the ongoing joint efforts by the Group of 77 and the Special Unit for South-South Cooperation to revitalize South-South cooperation.

18. The Ministers welcomed the report by the Chairman of the Group of 77 on the G-77 Chamber of Commerce and Industry (G-77CCI), and approved its recommendations as contained in paragraphs 21 and 22 (document G-77/AM(XVIII)/2006/3).

19. The Ministers stressed the urgency of the operationalization of the South Fund for Development and Humanitarian Assistance as reiterated in paragraph 3 of their Ministerial Statement adopted on 22 September 2005. They welcomed the substantial contribution made by the State of Qatar and the generous contributions by India and the People's Republic of China. They requested the Chairman of the Group of 77 to undertake urgent consultations to submit for consideration by the Group before the end of 2006 the proposed guidelines of operation of the South Fund for Development and Humanitarian Assistance.

20. The Ministers warmly welcomed the generous contribution by the esteemed Government of the Sultanate of Oman of 1 Million US dollars to the South Summit Special Fund established by the First South Summit in order to assist the full

implementation and follow-up of the outcome of the South Summits in accordance with paragraph 104 of Doha Plan of Action. They also invited other Member States to contribute to the Special Fund as decided by the Second South Summit.

21. The Ministers approved the Report of the Twenty-first Meeting of the Committee of Experts of the Perez-Guerrero Trust Fund for ECDC/TCDC (PGTF) contained in document G-77/AM(XVIII)/2006/2 and endorsed its recommendations. The Ministers commended the Chairman of the PGTF Committee of Experts for his continued commitment and expressed their satisfaction with the results achieved by the PGTF and invited Member States to participate in the UN Pledging Conference to be held in New York on 15 November 2006. The Ministers empowered the Chairman of the PGTF Committee of Experts to finalize and sign the agreement with IFAD as well as other similar agreements and to this end appointed him as Chairman of PGTF.

22. The Ministers approved the Financial Statement of the ECDC Account of the Group of 77 contained in document G-77/AM(XVIII)/2006/8, as presented by the Chairman of the Group of 77 and urged those Member States that have not yet done so to make special efforts to pay their outstanding contributions.

23. The Ministers firmly rejected the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterate the urgent need to eliminate them immediately. They emphasized that such actions not only undermine the principles enshrined in the Charter of the United Nations and international law, but also severely threaten the freedom of trade and investment. They, therefore, called on the international community neither to recognize these measures nor apply them.

24. The Ministers condemned the Israeli aggression launched against Lebanon. They remained deeply concerned about the economic, humanitarian, social and environmental consequences of the Israeli aggression. They considered the systematic and widespread destruction of Lebanon's towns, villages, cities, and national infrastructure; compounded with the destruction of the economy's productive sectors, amounted to billions of dollars. The forgone gains and the opportunity cost in terms of development make this amount even higher. They, furthermore, called upon the international community to provide the necessary assistance to the Lebanese government and to the Lebanese people to help them achieve the early recovery and the subsequent rehabilitation and reconstruction of Lebanon.

25. The Ministers also called for the immediate Israeli withdrawal from the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan to the line of 4 June 1967 and the other Arab occupied territories. They reaffirmed their support for the Middle East peace process started in Madrid in 1991, and aimed at achieving a comprehensive, just and lasting peace in the region, in accordance with Security Council resolutions 242(1967), 338(1973) and 425(1978) and the principle of land for peace. In this context, we support the peace initiative adopted by the Arab Summit in Beirut in March 2002.

26. The Ministers condemned the ongoing and intensifying Israeli military campaign against the Palestinian people, which has resulted in the loss of civilian lives and the vast destruction of Palestinian properties, infrastructure and agricultural lands. The Ministers reiterated their deep concern at the intensifying hardships being faced by the Palestinian people as the result of the Israeli aggression, as well as at the increasing financial and political isolation being imposed on the Palestinian Authority by some members of the international community in the aftermath of the Palestinian legislative elections held in January 2006. They called upon Israel, the occupying Power, to refrain from withholding tax revenue transfers due to the Palestinian Authority, which is deepening the financial crisis of the Authority, and they also called on Israel to repair the damages caused to the Palestinian properties and infrastructure. They called upon the international community to provide much needed assistance to the Palestinian people.

27. The Ministers expressed their deep appreciation to South Africa for the excellent work and tireless efforts as Chair country of the Group of 77.

28. The Ministers welcomed the election of Pakistan to the Chairmanship of the Group of 77 in 2007.

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General Assembly

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Sixty-first session
Agenda item 153
Requests for observer status in the General Assembly

Letter dated 14 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Mauritius to the United Nations addressed to the Secretary-General

I have the honour to request the General Assembly to consider granting observer status to the Indian Ocean Commission in the General Assembly.

An explanatory memorandum in support of the above request (annex I) and a draft resolution (annex II) are herewith enclosed.

I would appreciate it if the present letter and its annexes could be circulated as a document of the General Assembly, under agenda item 153.

(*Signed*) I. **Dhalladoo**
Chargé d'affaires a.i.

06-51828 (E) 041006

Annex I

Explanatory memorandum

Initiated in 1982, the Indian Ocean Commission (IOC), an intergovernmental organization, was created in January 1984 by the General Agreement on Cooperation of Victoria. It initially brought together Madagascar, Mauritius and the Seychelles. Since January 1986, the Islamic Federal Republic of the Comoros Islands and France acting on behalf of its department of Réunion joined in.

The Indian Ocean Commission aims at providing a regional platform for cooperation, thus contributing to the improvement of the quality of life of its population through the promotion of the interests of member States based on their specificities. As regional integration is not confined to purely trade aspects, there is a need to have a broader perspective to mainstream the management of common natural resources. Hence, IOC undertakes actions and carries out programmes and projects that give added value to the natural common resources in the region and improve the management capacity over those resources. IOC promotes the issues of small vulnerable economies and has been designated as one of the three United Nations regional mechanisms for coordination for the small island developing States and participates in and supports the implementation of the conclusions of the International Meeting on small island developing States held in Mauritius in January 2005.

Most of the programmes undertaken by IOC have as ultimate objective the reduction of poverty and the general promotion of the welfare of its people, which are the main objectives of the Millennium Development Goals and of sustainable development. Many of these activities require close collaboration with the United Nations system including on issues relating to small island developing States, on conservation of the environment and biodiversity and on HIV/AIDS.

The Indian Ocean Commission is a small organization and hence does not pretend to acquire capacity in each of the fields in which it intervenes, but strives to facilitate the transfer of resources and know-how in the region in the context of the implementation of the Millennium Development Goals, the objectives of the World Summit for Sustainable Development and the Mauritius Strategy on small island developing States. In so doing, it relies on the competence and capacity of existing institutions such as exist within the United Nations system in order to promote the adoption of concrete decisions which will allow taking into account the particularities and the vulnerability of the island States.

The participation of the Indian Ocean Commission as an observer at the proceedings of the General Assembly would enhance further cooperation between the United Nations and IOC and facilitate the work of IOC as an intergovernmental organization.

The institutional framework of the Indian Ocean Commission

The Indian Ocean Commission regroups a total population of 20.5 million. Four of the member States are ACP States and one is an Outer European Territory. Three of the member States are also small island developing States, of which two are least developed countries. It is the only regional organization of islands States in Africa. Although the member States differ substantially in size and level of

development, they share common environmental features which will shape their future, including:

- Isolation and small size, which increases their need for interdependence and expert help from overseas.
- Variation in their stages of economic and social development, which offers opportunities for collaboration and self-help in responding to economic, social and environmental challenges.
- High population densities, which create pressure on the economies and the environment, evident in the growing and unsustainable volume of new housing and traffic and in structural economic problems, such as unemployment, poorly managed natural and human resources and pockets of poverty and social exclusion.
- Extensive coastal and marine resources which need conserving and developing as a economic resource.
- Rare natural resources which need to be well managed to continue to attract tourists vital to the economic sustainability of the region.
- The risk of natural disasters such as tropical storms, sea-level rise and coastal erosion, which present the need for preventive action to protect infrastructure and people.
- Mountainous topography which demands integrated soil cultivation and watershed management to maintain local food production.
- Rich social, cultural and natural biodiversity, increasingly under threat.

The General Agreement of Victoria (1984) defined in a very broad way the areas of regional cooperation. Since then, the pace of the globalization process, the smallness of the IOC market, the permanent nature of the impediments that are peculiar to the small and vulnerable island economies in their process of development, impediments arising from the combination of natural and geographical characteristics such as smallness, isolation, proneness to natural disasters and the like have provided the basis for the new strategic orientations of the Indian Ocean Commission, which were adopted in its last summit in 2005 in Madagascar.

They define the following areas of cooperation:

- Diplomatic and political cooperation.
- Economic and trade cooperation, including the promotion of issues relating to small island developing States.
- Cooperation in the field of agriculture and in sustainable development of coastal and marine resources.
- Cooperation in the cultural, scientific, technical fields, education and justice.

Decision-making bodies

Each country designates a permanent liaison officer, a senior official for the monitoring of the activities of IOC and to ensure the link between IOC and the national administrations. The Committee of the permanent liaison officers is an executive body, required to prepare then to implement the decisions of the Council of IOC. The Committee of the permanent liaison officers meets about three times a year.

The Council of Ministers is the supreme authority of the Indian Ocean Commission and meets on a yearly basis. Although not anticipated in the founding texts, a Summit of the Heads of State and Government is held every four years, the last one in Madagascar in July 2005.

Secretary-General

The Secretary-General is the head of the General Secretariat and is appointed for a non-renewable four-year mandate. Madame Monique Andreas-Esoavelomandroso has held the post of Secretary-General since July 2004.

Presidency

The presidency rotates from one member State to another, each assuming it for a period of one year. Mauritius took over the presidency during the 21st meeting of the Council, in March 2005 at Antananarivo, Madagascar.

Headquarters

The General Secretariat, situated at Quatre-Bornes, is the permanent structure of IOC responsible for the implementation of the activities of the organization.

Postal address:

Q4 Sir Guy Forget Avenue
PO Box 7 – Quatre-Bornes
Republic of Mauritius
Telephone: (230) 425 9564 or 425 1652
Fax: (230) 425 2709
E-mail: secretariat@coi-ioc.org
Website: http://www.coi-ioc.org

Annual budget

The running cost of the IOC secretariat is wholly funded by the member States. The annual budget for the year 2006 amounts to US$ 400,000.

Funding agencies

The Indian Ocean Commission receives significant grants for the financing of its projects from international partners, and especially from the European Union, the Word Bank, the African Development Bank and France and is supported in its activities by institutions such as the International Organization of la Francophonie, the Commonwealth Secretariat, and entities of the United Nations system (UNDP, UNEP, UNESCO, UNICEF).

The Indian Ocean Commission has developed sufficient capacity for the implementation of its projects/programmes from funding agencies such as the European Union, the World Bank and the African Development Bank. The attached annex provides an idea of the portfolio it currently manages.* It should also be noted that the Indian Ocean Commission closely collaborates with neighbouring regional organizations and thus promotes rationalization in regional actions, especially considering that the member States hold membership in multiple regional organizations.

* The annex is available for consultation in the Secretariat.

Annex II

Draft resolution

Observer status for the Indian Ocean Commission in the General Assembly

The General Assembly,

Noting the aspiration of the Indian Ocean Commission to enhance its cooperation with the United Nations,

1. *Decides* to invite the Indian Ocean Commission to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

United Nations A/61/488

General Assembly

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Sixty-first session
Agenda item 8
General debate

Letter dated 29 September 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith the written statement of the delegation of the United Kingdom in exercise of the right of reply to the remarks made by Navinchandra Ramgoolam, Prime Minister of the Republic of Mauritius, in the General Assembly on 22 September 2006 (see annex).

I should be most grateful if you could arrange to have the present letter and its annex circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Emyr **Jones Parry**

06-55316 (E) 061006

Annex to the letter dated 29 September 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the Prime Minister of Mauritius in the general debate on 22 September 2006

The British Government maintains that the British Indian Ocean territory is British and has been since 1814. It does not recognize the sovereignty claim of the Mauritian Government.

However, the British Government has recognized Mauritius as the only State which has a right to assert a claim of sovereignty when the United Kingdom relinquishes its own sovereignty.

Successive British Governments have given undertakings to the Government of Mauritius that the Territory will be ceded when no longer required for defence purposes.

The British Government remains open to discussions regarding arrangements governing the British Indian Ocean Territory or the future of the Territory. The British Government has stated that when the time comes for the Territory to be ceded it will liaise closely with the Government of Mauritius.

The British Government values its close and constructive cooperation with the Government of Mauritius on a wide range of issues and looks forward to this continuing.

United Nations

A/61/489

General Assembly

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Sixty-first session
Agenda item 67 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in Turkmenistan

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 60/172, in which the Assembly requested the Secretary-General to submit a report to it at its sixty-first session on the implementation of that resolution.

It concludes that gross and systematic violations of human rights continued in the country, notwithstanding gestures made by the Government. The main areas of concern referred to in the report are the situation of human rights defenders, severe restrictions on the freedom of expression and information, including repression of political dissent, restrictions on the enjoyment of religion, the situation of minorities, the use of torture, the absence of an independent judiciary and limited access to health-care services and education. The report contains a number of recommendations from the Secretary-General to the Government of Turkmenistan on cooperation with the treaty bodies, the special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. The Secretary-General further calls upon the Government to improve the environment for human rights defenders and to take verifiable measures to stop the use of torture and to ensure that all prisoners have access to lawyers of their choice and independent observers.

* The present report was submitted after the deadline so as to reflect the most updated information.

06-55249 (E) 051006

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I. Introduction

1. The situation of human rights in Turkmenistan has been considered by the Commission on Human Rights and the General Assembly since 2003, with successive resolutions being adopted, most recently Commission on Human Rights resolution 2004/12 of 15 April 2004 and General Assembly resolution 60/172 of 16 December 2005. The present report is submitted pursuant to paragraph 4 of the latter resolution, by which the General Assembly requested the Secretary-General to submit a report to it at its sixty-first session on the implementation of this resolution.

II. Implementation of General Assembly resolution 60/172

A. Cooperation with the Office of the United Nations High Commissioner for Human Rights

2. As noted last year in the report of the Secretary-General on the situation of human rights in Turkmenistan (A/60/367), following a needs-assessment mission from 15 to 20 March 2004 to Turkmenistan, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) jointly developed a one-year technical cooperation project on treaty-body reporting. The project seeks to enhance knowledge and awareness among the authorities and to strengthen capacity for human rights treaty-body reporting. The project was designed initially for one year, with a possible extension for another year aimed at strengthening the capacities already built in the area.

3. The Government of Turkmenistan approved this joint project in March 2006 and project implementation started in June 2006.

4. The High Commissioner for Human Rights recently appointed a Regional Representative for Central Asia, placed in Bishkek, with a view to further engaging with the countries in the region.

B. Cooperation with the special procedures established by the Commission on Human Rights and assumed by the Human Rights Council

5. In addition to the eight special procedures mentioned in the 2005 report of the Secretary-General, two more special rapporteurs have requested invitations to visit the country, namely the Special Rapporteur on the right to education (in April 2006) and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (in May followed by a reminder in July 2006). This expanded the range of special procedures requesting a visit from political and civil rights to the area of social and economic rights.

6. Turkmenistan has not extended a standing invitation to thematic special procedures, nor did it extend an invitation to any of the special procedures to visit the country.

7. Special procedures continued to receive information regarding alleged human rights violations in Turkmenistan. During the period following last year's report, a total of eight communications were addressed to the Government, namely by the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and by the Special Rapporteur on freedom of religion or belief.

8. At the time the present report was being prepared, the Government had replied to two of these communications.

9. A number of special procedures also referred to Turkmenistan in their reports submitted to the Commission on Human Rights at its sixty-second session and the sixtieth session of the General Assembly. These included the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95/Add.5), the Working Group on Arbitrary Detention (E/CN.4/2006/7/Add.1), the Special Rapporteur on freedom of religion or belief (E/CN.4/2006/5/Add.1), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2006/48/Add.1), the Special Rapporteur on the question of torture (E/CN.4/2006/6/Add.1) and the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2006/61/Add.1).

C. Cooperation with the United Nations treaty bodies and status of ratifications

10. As mentioned in the previous report of the Secretary-General, Turkmenistan has ratified six of the seven main international human rights instruments and some of the optional protocols thereto, namely the International Covenant on Civil and Political Rights, in 1997; the two Optional Protocols thereto in 1997 and 2000, respectively; the International Covenant on Economic, Social and Cultural Rights, in 1997; the International Convention on the Elimination of All Forms of Racial Discrimination, in 1994; the Convention on the Elimination of All Forms of Discrimination against Women, in 1997; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 1999; the Convention on the Rights of the Child, in 1993, as well as the two Optional Protocols thereto, in 2005.

11. Turkmenistan has not recognized the competence of the committees to consider individual communications under the Convention against Torture or the International Convention on the Elimination of All Forms of Racial Discrimination.

12. Turkmenistan has not ratified the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Prevention and Punishment of the Crime of Genocide or the Rome Statute of the International Criminal Court.

13. The three reports submitted by Turkmenistan since 2004, namely the combined initial to fifth periodic report submitted in August 2004 to the Committee on the Elimination of Racial Discrimination (CERD/C/441/Add.1), the combined initial and second periodic report submitted in November 2004 to the Committee on the Elimination of Discrimination against Women (CEDAW/C/TKM/1-2) and the initial report submitted in March 2005 to the Committee on the Rights of the Child (CRC/C/TKM/1), were considered by the respective treaty bodies. The Committee on the Elimination of Racial Discrimination adopted its concluding observations in August 2005 (CERD/C/TKM/CO/5), as did both the Committee on the Elimination of Discrimination against Women (CEDAW/C/TKM/CO/2) and the Committee on the Rights of the Child (CRC/C/TKM/CO/1) in June 2006.

14. While welcoming the submission of the reports, the committees generally expressed the need for more information on the practical implementation of the provisions of the conventions, including statistical data, in accordance with the guidelines for preparation of reports. The Committee on the Elimination of Racial Discrimination "noted with deep concern the major contradictions between, on the one hand, consistent information from both intergovernmental and non-governmental sources relating to the existence of grave violations of the Convention in Turkmenistan, and, on the other hand, the sometimes categorical denials by the State party" (CERD/C/TKM/CO/5). The Committee also encouraged the State party to increase its efforts to institute a constructive and sincere dialogue.

15. A number of reports remain overdue: the initial and second periodic reports to the Committee against Torture (due in July 2000 and July 2004), the initial and second periodic reports to the Human Rights Committee (due in July 1998 and July 2003) and its initial report to the Committee on Economic, Social and Cultural Rights (due in June 1999). Falling due in 2007 are: the initial reports under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (April 2007) and under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (May 2007), and the sixth and seventh periodic reports under the Convention on the Elimination of All Forms of Racial Discrimination (October 2007).

D. Cooperation with other organizations and institutions

Organization for Security and Cooperation in Europe

16. The Organization for Security and Cooperation in Europe (OSCE) High Commissioner on National Minorities, Rolf Ekeus, visited Turkmenistan in March 2006, including a visit to the Lebap region in the north of the country. The High Commissioner focused on matters aimed at ensuring the rights of national minorities, including in the field of education, as well as on the programme of resettlement of some members of minority communities located in the northern border areas. Following agreement with President Niyazov, the High Commissioner intends to visit one of the new settlements during his next trip to the country.

17. The OSCE Representative on Freedom of the Media, Miklos Haraszti, visited Turkmenistan in October 2005. He also intervened in a case concerning the refusal to grant an exit visa to a prominent Turkmen opposition writer to leave Turkmenistan in order to receive medical treatment. Another case concerned two

correspondents who went "missing". In response to a request for information on the case sent by the Representative, the Turkmen authorities reported that the correspondents were sentenced to 15 days of community service on charges of disrupting a public meeting. A third case concerned the arrest and denial of access to lawyers of a reporter and a correspondent allegedly due to their previous criticism of the authorities. The OSCE Representative further issued a press release criticizing the sentencing of several journalists in Turkmenistan and condemning the lack of transparency in the handling of the cases, in particular for not allowing observers to monitor the case. Following the death in custody of one of the journalists, the OSCE Representative issued a press release in which, inter alia, he urged the Turkmenistan authorities to handle the case in a transparent way.

18. The OSCE Chairman-in-Office, the Minister for Foreign Affairs of Belgium, Karel de Gucht, visited Turkmenistan in March 2006. The Chairman-in-Office stressed the need to continue improving cooperation with OSCE institutions and units, and called upon the Government to devote increased attention to the "human dimension". He noted, inter alia, that it was important to start political reforms and democratization and to amend national legislation in order to bring it into compliance with international conventions. The Chairman-in-Office also stressed the need for international organizations to have unlimited access to prisoners.

19. Turkmenistan signed a general memorandum of understanding with OSCE for its centre in Ashgabat, which foresees project implementation in all OSCE areas, including projects in the fields of rule of law and strengthening of civil society. The OSCE Centre in Ashgabat supported a number of activities, including a study tour by three members of the Turkmenistan Parliamentary Human Rights Committee to meet with members of the two chambers of the French Parliament in April 2006; two training courses on international human rights standards and mechanisms to implement and protect them, jointly organized with the National Institute for Democracy and Human Rights and the Office of the United Nations High Commissioner for Refugees; and a legal clinic, which provides free legal advice and regularly receives visitors who wish to submit complaints or reports of human rights violations. The OSCE Centre implements a number of small projects intended to strengthen civil society (primarily promoting youth and education development). The centre also maintains an information centre and a small library.

20. In contravention of paragraph 8 of the OSCE 1990 Copenhagen document and the 1999 Istanbul Summit declaration, Turkmenistan generally does not invite the OSCE Office for Democratic Institutions and Human Rights to observe its election proceedings. The Office has not had any election-related contacts with Turkmenistan since 1999 nor implemented any election-related project in Turkmenistan since that time.

International Committee of the Red Cross

21. Discussions concerning the possibility of an agreement that would enable the International Committee of the Red Cross (ICRC) to work on behalf of prisoners and detainees in Turkmenistan continued in 2006 and had not resulted in conclusion of such an agreement at the time of writing.

International Labour Organization

22. Turkmenistan has not submitted its first reports, due since 1999, on Conventions Nos. 29 (Forced Labour Convention) of 1930; 87 (Freedom of Association and Protection of the Right to Organize Convention) of 1948; 98 (Right to Organize and Collective Bargaining Convention) of 1949; 100 (Equal Remuneration Convention) of 1951; 105 (Abolition of Forced Labour Convention) of 1951; and 111 (Discrimination (Employment and Occupation) Convention) of 1958.

E. Developments concerning the full respect for all human rights and fundamental freedoms

23. The following sections are based on information obtained by OHCHR, the special procedures of the Human Rights Council and the United Nations treaty bodies. Due to the limited access to information in Turkmenistan by international human rights bodies, further details on the human rights situation in the country were not available for the preparation of the present report.

Freedom of association and assembly

24. The Special Representative of the Secretary-General on human rights defenders regretted that the Government of Turkmenistan had not provided her with information in response to the questionnaire she transmitted (E/CN.4/2006/95/Add.5) and the lack of sufficient information on the status of the community of human rights defenders in the country. She concluded that in general the legal framework of Turkmenistan was restrictive in terms of the laws and provisions relevant for the work of human rights defenders. The Special Representative expressed deep concern about the severe repression faced by human rights defenders in Turkmenistan, which not only prevents them from operating openly but also puts them at serious risk. She expressed dismay about reported intimidation, harassment, constant surveillance, arbitrary arrests, imprisonment and ill-treatment, reprisals against relatives and restrictions on their rights to freedom of movement. She also expressed concern and alarm about restraints on the right to freedom of association, the lack of free media and restraints on freedom of expression, including reports that the Government subjects all media outlets to pre-publication censorship, that most Russian-language media had been banned and that access to the Internet had been severely restricted. The Special Representative further expressed concern that international human rights defenders had been denied visas to visit the country and about reports that some dissidents had been tracked down and intimidated abroad by the Turkmen Secret Service. The Special Representative is also gravely concerned about reports that the authorities have increasingly attempted to co-opt non-governmental organizations under governmental structures, including through stepping-up scrutiny of funding in relation to independent civil society groups and showing resistance to register such groups. Human rights defenders have been frequently prevented from meeting with representatives of foreign Governments and international organizations; those who have nevertheless managed to attend such meetings have reportedly faced serious repercussions.

25. The Committee on the Rights of the Child expressed its deep concern (CRC/C/TKM/CO/1) that serious obstacles are still hampering the independent

activity of civil society organizations and recommended that the State party remove restrictions on their functioning.

26. The Committee on the Elimination of Discrimination against Women expressed concern about the lack of information about civil society organizations (CEDAW/C/TKM/CO/2), such as women's and human rights organizations, and their role in the promotion of gender equality and implementation of the provisions of the Convention. It urged the State party to provide an enabling environment for the establishment and active involvement of women's and human rights organizations to promote implementation of the Convention.

27. OHCHR received information that several members of the non-governmental human rights organization Turkmenistan Helsinki Foundation and their family members were arrested in June 2006 and that three of them were subsequently sentenced to lengthy prison terms. The charges against them, it was reported, were connected to alleged illegal possession of ammunition and involvement in criminal activities related to the organization of subversive acts and the collection of defamatory information in order to create public dissatisfaction. Reportedly, the trials were closed and fell short of complying with internationally recognized fair-trial standards. OHCHR received allegations that the prisoners had been ill-treated and that one had died. According to the information received, the body bore signs of ill-treatment, with various wounds on the head and the neck.

Freedom of expression and the media

28. The Working Group on Arbitrary Detention reported on a case of arbitrary arrest and detention in a psychiatric hospital in which an individual was detained allegedly for having exercised his freedom of expression in openly criticizing Government policies (E/CN.4/2006/7/Add.1). The Working Group observed that "the allegation that [the detainee] was not allowed to appeal to a judge or independent organ against his internment ... was not challenged" by the Government and that "his activities critical of the Government and the manner in which his internment was carried out ... indicate that he is not undergoing psychiatric treatment, but arbitrary detention, motivated by his having exercised his freedom of expression, and without the observance of the minimum safeguards required by the notion of a fair hearing".

29. The Committee on the Elimination of Racial Discrimination expressed concern over information that Turkmenistan has adopted measures drastically limiting access to foreign culture and art, foreign media and the Internet (CERD/C/TKM/CO/5).

30. The Committee on the Rights of the Child voiced concern over the fact that all sources of information — and media in particular — were subject to Government control and did not allow for diversity (CRC/C/TKM/CO/1). The Committee also regretted that access to foreign culture and media, including the Internet, is very limited.

Freedom of thought, conscience, religion or belief and the protection of the rights of persons belonging to ethnic and religious minorities

31. The Committee on the Elimination of Racial Discrimination also noted in its concluding observations a number of concerns regarding the statistics on the ethnic composition of the population of Turkmenistan; the existing gap between law and practice in Turkmenistan; reported instances of hate speech, including by government officials; consistent information relating to the policy of "Turkmenization"; severe restrictions on participation in the labour force, in particular in public sector employment, by minorities; the policy of forced assimilation and restrictions on the right to work of minorities; restrictions on the freedom of movement of minorities and internally displaced persons; obstacles to the enjoyment of their culture and use of their language by minorities; and obstacles to the enjoyment of religious freedom and non-registration of some religious groups.

32. The Special Rapporteur on freedom of religion or belief referred to a number of situations and individual cases (E/CN.4/2006/5/Add.1), in particular concerning information on harassment of Jehovah's Witnesses, including intimidation, humiliation, fines for undertaking unregistered activities and imprisonment for refusing on religious grounds to serve in the armed forces and alleged harsh treatment of imprisoned conscientious objectors. Information received by the Special Rapporteur also included news that a range of religious communities had failed to obtain registration with the Government and therefore the right to conduct any religious activity and that the demolition of places of worship (mosques) and reprisals against people protesting the demolition had been undertaken. The Special Rapporteur expressed concern about the number of alleged cases of violations or limitations of the right to freedom of religion or belief. He emphasized that the right to freedom of religion was not limited to members of registered religious communities.

33. The Special Rapporteur on violence against women, its causes and consequences, reported (E/CN.4/2006/61/Add.1) on a case of alleged sexual harassment. Two female Jehovah's Witnesses were held overnight at a police station, allegedly as punishment for peacefully exercising their right to freedom of religion. One of them was reportedly sexually harassed, threatened with rape and hit repeatedly by law enforcement officials. The Government reply stated that the allegations concerned had not been confirmed and concluded therefore that the incidents referred to did not take place.

34. The Committee on the Rights of the Child expressed its concern (CRC/C/TKM/CO/1) that, inter alia, as a result of the "Turkmenization" policy of the State party, discriminatory attitudes and practices exist towards certain national and ethnic minorities such as Russians, Uzbeks, Kazakhs, Turks, Kurds, Beludzhi and Germans. It observed that, in particular, members of ethnic minority groups are denied a number of fundamental socio-economic rights, such as access to education, employment and the right to own property, as well as the right to enjoy their culture. The Committee also expressed concern at the information that, while the age of marriage is normally set at 16 years, for Turkmen citizens who marry foreigners and stateless persons, the age of marriage is set at 18 years.

35. The Committee on the Rights of the Child also expressed concern that Turkmenistan religious organizations encounter difficulties related to the procedure for their registration and face restrictions with respect to the exercise of their

activities. The Committee is also concerned at reports of instances of raids on religious meetings and demolition of places of worship.

36. The Committee on the Elimination of Discrimination against Women expressed its concern (CEDAW/C/TKM/CO/2) about the lack of policies and programmes for ethnic and national-minority women and girls who remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, employment and participation in political and public life. The Committee noted with concern the closure of Russian schools.

37. The Working Group on Arbitrary Detention reported on a case concerning two Jehovah's Witnesses who were arrested in May 2004 and charged with refusing to perform military service on religious grounds and sentenced to 18 months of imprisonment (E/CN.4/2006/7/Add.1). The Government reported that both had been granted a pardon (opinion No. 2/2005).

Prison conditions and torture

38. The Special Rapporteur on the question of torture referred to the situation of a number of individuals convicted in December 2002 and January 2003 to prison terms ranging between five years and life for their alleged involvement in what the authorities described as an assassination attempt on the President in November 2002 (E/CN.4/2006/6/Add.1). All these prisoners continue to be held incommunicado, without access to families, lawyers, or independent bodies such as the International Committee of the Red Cross. The Special Rapporteur on the question of torture also mentioned Turkmenistan as one of 33 Governments that have never responded to urgent appeals sent under his mandate (A/60/316), although having received a significant number of urgent appeals.

39. The death in custody of a Radio Free Europe/Radio Liberty journalist, Ogulsapar Muradova, whose body allegedly bore signs of torture, raises particular concern.

40. The Committee on the Rights of the Child expressed its deep concern at the information that torture and ill-treatment of detainees, including children, is widespread (CRC/C/TKM/CO/1), especially at the moment of apprehension and during pre-trial detention, and used both to extract confessions or information and as an additional punishment after the confession.

Freedom of movement (inside the country and freedom to leave the country) and forced displacement

41. The Committee on the Elimination of Racial Discrimination noted with deep concern information that the State party had internally forcibly displaced populations, targeting in particular ethnic Uzbeks to inhospitable parts of Turkmenistan (CERD/C/TKM/CO/5). The Committee was further concerned about reported restrictions on freedom of movement, in particular to travel to internal border regions. It also expressed concern about reported impediments imposed on Turkmen students wishing to study abroad.

42. The Committee on the Rights of the Child expressed concern that children may be seriously affected by the fact that, as of 2001, forced resettlement became part of the Criminal Code of Turkmenistan and is used as a punishment for certain crimes.

(CRC/C/TKM/CO/1). Furthermore, the Committee is also concerned by reports of forced displacement of ethnic minorities, including children.

Independence of the judiciary

43. The Committee on the Elimination of Racial Discrimination noted the absence of cases of racial discrimination referred to the courts (CERD/C/TKM/CO/5) and information according to which members of national and ethnic minorities who suffer racial discrimination do not complain to courts because they fear reprisals and lack confidence in the police and the judicial authorities, and because of the authorities' lack of impartiality and sensitivity to cases of racial discrimination.

Other rights

44. Several other concerns relating to a range of human rights were expressed by treaty bodies and special procedures, including stereotypes regarding the roles and responsibilities of women and men in the family and society, violence against women, the low level of representation of women in public and political life and in decision-making positions, the low percentage of women in higher education and discrimination against women, as reflected in hiring processes and pay gaps. Also of concern were access to health-care services, in particular outside the capital and the possible infringement of the right of everybody to the enjoyment of the highest attainable standard of physical and mental health.

45. No further information was available with regard to other issues relating to the implementation of General Assembly resolution 60/172.

III. Conclusions and recommendations

46. **Gross and systematic violations of human rights continued in the country, notwithstanding gestures made by the Government. Main areas of concern expressed by treaty bodies and special procedures are, in particular, the situation of human rights defenders, severe restrictions on the freedom of expression and to impart information including through repression of political dissent, restrictions on the enjoyment of religion, the situation of minorities, the use of torture, the absence of an independent judiciary and the limited access to health-care services and education.**

47. **The Government of Turkmenistan continued to demonstrate readiness to engage with the international community and the human rights mechanisms, such as the institution of a dialogue with some of the United Nations treaty bodies and the commencement of the implementation of a joint UNDP/OHCHR treaty-body reporting project.**

48. **The Secretary-General in this context invites the Government to continue and expand its cooperation with the Office of the High Commissioner for Human Rights and the United Nations Development Programme with a specific focus on the implementation of the treaty bodies' recommendations. The Secretary-General further invites the Government to extend full cooperation to the High Commissioner's Regional Representative for Central Asia.**

49. The Secretary-General encourages the Government to continue its efforts in the preparation and submission of reports to the United Nations treaty bodies, in particular:

(a) To submit its reports due to the Committee against Torture, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and to provide detailed information on the actual implementation of the human rights instruments in the country;

(b) To implement the recommendations made by the treaty bodies.

50. The Secretary-General repeats his call upon the Government to extend an invitation to the thematic special mechanisms of the Human Rights Council that have asked to visit the country, in particular the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the question of torture; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief; the Representative of the Secretary-General on the human rights of internally displaced persons; the Special Representative of the Secretary-General on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the right to education; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

51. The Secretary-General further calls upon the Government to cooperate fully with the special mechanisms in responding to their communications and providing information on the situations and cases referred to.

52. The Secretary-General calls upon the Government to improve the environment for human rights defenders, including by registering independent non-governmental organizations, and stopping harassment, detentions and other forms of intimidation of defenders and civil society organizations, in full compliance with the Declaration on Human Rights Defenders. In that context, the Secretary-General calls upon the Government to ensure that the human rights defenders currently held in custody are afforded the full protection of the international human rights instruments to which Turkmenistan is a party.

53. The Secretary-General further calls upon the Government to take verifiable measures to stop the use of torture and to ensure that all prisoners have access to lawyers of their choice and independent observers.

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Indigenous issues

The situation of human rights and fundamental freedoms of indigenous people

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly the report of Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, pursuant to paragraph 18 of Commission on Human Rights resolution 2005/51 of 20 April 2005.

* The report is being submitted after the deadline owing to the need for consultations.

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The situation of human rights and fundamental freedoms of indigenous people

Summary

The present report, on activities carried out from November 2005 to October 2006, highlights some concerns which the Special Rapporteur deems to be worthy of special and urgent attention.

The activities carried out by the Special Rapporteur in fulfilment of the mandate entrusted to him by the Commission on Human Rights in 2001 have focused on (a) thematic investigation of issues that have an impact on the situation of human rights and fundamental freedoms of indigenous people; (b) country visits; and (c) communications with Governments with respect to alleged violations of indigenous people's human rights and fundamental freedoms throughout the world.

In this report, the Special Rapporteur refers in particular to the relevance for indigenous people of the adoption by the General Assembly of the draft United Nations Declaration on the Rights of Indigenous Peoples, which the Human Rights Council adopted at its first session.

During the period under review, the Special Rapporteur undertook official missions to New Zealand and Ecuador and made follow-up visits to Guatemala, Mexico and Canada.

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I. Introduction

1. The present report, submitted pursuant to Commission on Human Rights resolution 2005/51 of 20 April 2005, is the third report submitted to the General Assembly by Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. During the period under review, the Special Rapporteur submitted his annual report to the Human Rights Council at its second session (E/CN.4/2006/78 and Add.1-5).

2. This report covers the activities carried out during the period November 2005 to October 2006. Like the Special Rapporteur's preceding report to the General Assembly (A/60/358), it underscores certain issues of concern which, in his view, are of particular importance for the promotion and protection of the human rights of indigenous people.

3. The functions included in the Special Rapporteur's mandate are described in resolutions 2001/57, 2002/65, 2003/56, 2004/62 and 2005/51 of the Commission on Human Rights and, in greater detail, in previous reports of the Special Rapporteur (E/CN.4/2002/97, paras. 2 and 3, and E/CN.4/2004/80, para. 2). The international legal framework for the Special Rapporteur's work is also set out in the above-mentioned reports (E/CN.4/2002/97 and E/CN.4/2004/80/Add.1, paras. 79-101).

4. By its resolution 2005/51, the Commission on Human Rights, for the first time, requested the Special Rapporteur to begin preparing a study regarding best practices carried out to implement the recommendations contained in his general and country reports and to submit a progress report to the Commission at its sixty-second session.

II. Activities carried out by the Special Rapporteur in fulfilment of his mandate

5. The annual report submitted by the Special Rapporteur to the Human Rights Council in September 2006, which was followed by an interactive dialogue with States and non-governmental organizations, covered activities carried out from March 2005 to March 2006. During that period, as in the previous years of his mandate, he continued to focus on three areas of action: first, thematic investigation and development of issues that have an impact on the situation of human rights and fundamental freedoms of indigenous people, as reflected in the main report; secondly, country visits; and thirdly, urgent appeals and alleged violations concerning indigenous people's human rights and fundamental freedoms.

6. The activities carried out in these areas are described in the Special Rapporteur's main report (E/CN.4/2006/78) and its annexes. Five annexes were submitted in 2006 covering the following topics: communications received and sent during the period under review with respect to alleged violations of human rights and fundamental freedoms of indigenous people (E/CN.4/2006/78/Add.1); the Special Rapporteur's report on his visit to South Africa from 28 July to 8 August 2005 (E/CN.4/2006/78/Add.2); the report on his visit to New Zealand from 16 to 26 November 2006 (E/CN.4/78/Add.3); his progress report on the study regarding best practices carried out to implement the recommendations in his annual reports, as required by the Commission on Human Rights (E/CN.4/2006/78/Add.4); and

reports on the conclusions and recommendations of international seminars organized by the Inter-Parliamentary Union and the University of Arizona, on the topic of my main report, held in July and October 2005, respectively (E/CN.4/2006/78/Add.5).

7. In 2006 the Special Rapporteur devoted his thematic report to the study of the implementation of standards and jurisprudence relating to the rights of indigenous people. During the last decade numerous constitutional and legislative reforms have been carried out in many countries in which the indigenous peoples and their civil, political, economic, social and cultural rights are recognized. Some of these legislative provisions are broader than others; in some cases recognized rights are limited and subordinated to the interests of third parties or broader national interests.

8. However, the standards and jurisprudence that have evolved in recent years concerning indigenous people still have not done enough to bring about substantive changes in their daily lives. The "implementation gap" between standards relating to indigenous rights and the effective enjoyment of those rights poses a serious problem meriting the close attention of the Human Rights Council and the General Assembly. In the present report the Special Rapporteur has identified the factors which he believes contribute to this gap.

9. It has been pointed out that in many countries there is a gap between international standards and principles regarding the human rights of indigenous people and domestic legislation. International standards, even when ratified, do not always and automatically become part of domestic law. They are sometimes ignored by public officials as well as in the case law of the courts. Another problem reported is the lack of consistency between different laws, such as those relating to natural resources management, and indigenous or human rights legislation.

10. The main problem, however, is the "implementation gap" that is, the vacuum between existing legislation and administrative, legal and political practice. This divide between form and substance constitutes a violation of the human rights of indigenous people. To close the gap and narrow the divide is a challenge that must be addressed through a programme of action for the human rights of indigenous people in the future.

11. Indigenous people are increasingly availing themselves of international mechanisms for the defence of their human rights. At the regional level the inter-American human rights system has played an increasingly important role and is beginning to be useful to the African regional system. At the international level the International Labour Organization (ILO) and the United Nations treaty bodies have unquestionable moral authority that is being increasingly exercised in defence of the rights of indigenous peoples. A new circle of good practices has thereby been established, bringing together indigenous peoples, States and international mechanisms, but does not always obtain satisfactory results.

12. A sign of the growing interest in the "implementation gap" phenomenon and the quest for constructive solutions to help to remedy the matter is the attention paid to follow-up on the Special Rapporteur's recommendations. In that context, as mentioned earlier, pursuant to its resolution 2005/51, the Commission on Human Rights requested the Special Rapporteur to conduct a study regarding best practices carried out to implement recommendations contained in his general and country reports.

13. A progress report on this study was presented to the Human Rights Council during its recent session (E/CN.4/2006/78/Add.4). In that report, the Special Rapporteur stated that "[t]he information received to date, while extremely interesting, is still not quite what is needed in preparing a study that is supposed to make it possible to move forward on this issue in some way. The Special Rapporteur believes it is essential to ... find out about specific measures taken on the basis of the recommendations made in each of his reports".

14. The Special Rapporteur intends to continue with follow-up on the Commission's request for the presentation of a final study and has therefore planned several activities that should allow him to gather the information needed to complete the study.

A. Country visits

15. During the period covered by this report, the Special Rapporteur undertook two official missions to observe the human rights situation of indigenous peoples in New Zealand and Ecuador. He submitted a report on the first mission to the Human Rights Council at its recent session (E/CN.4/2006/78/Add.3) and is expected to present the second report shortly.

1. Mission to New Zealand

16. At the invitation of the Government and Maori organizations, the Special Rapporteur visited New Zealand in November 2005. He was encouraged by the Government's commitment to reduce the existing inequalities between Maori, who represent around 15 per cent of the total population, and non-Maori regarding several social and human development indicators such as health, housing, education, income levels and employment, areas in which inequalities still exist. He was also heartened by the commitment of the authorities to ensure that the country's development was shared by all groups in New Zealand society.

17. Despite the progress made, many Maori are impatient with the pace of redress for breaches by the Crown of the 1840 Treaty of Waitangi, which forms the legal basis for relations between Maori and the State.

18. Nowadays, many Maori are particularly concerned by the new legislation governing coastal areas that extinguishes customary Maori rights over those lands and replaces them with a statutory process for the recognition of customary or aboriginal title.

19. In his report, the Special Rapporteur made several recommendations to the Government of New Zealand, proposing measures aimed at strengthening and consolidating Maori human rights, including their collective property rights to land and coastal areas.

2. Mission to Ecuador

20. In April 2006, the Special Rapporteur undertook an official mission to Ecuador, in response to an invitation by the Government and indigenous organizations of that country. He visited several indigenous communities along the coast, in the sierra and in the Amazon region, and he interviewed high-level officials and representatives of all the indigenous nationalities.

21. Although this topic will be further discussed in the Special Rapporteur's next submission to the Human Rights Council, he nevertheless wishes to take this opportunity to express some of his impressions. First of all, he has detected a vast juridical vacuum in the protection of indigenous rights. Although the 1998 Ecuadorian Constitution embodies specific collective rights for indigenous peoples and nationalities in various areas, these rights have not yet been incorporated into the corresponding secondary legislation, which has made it difficult for them to be fully implemented. The Government has set up a number of State institutions to address the situation of indigenous peoples, which has created opportunities for indigenous people to participate in the execution of governmental policies, but since they are not based on specific laws, they are institutionally weak.

22. Over the years, the State of Ecuador has recognized some indigenous territories, particularly in the Amazon region, and has allowed the communities to negotiate agreements governing the use of land and resources. However, much concern has been raised by the gradual destruction of the indigenous habitat and the impact of extractive activities, in particular the exploration and exploitation of oil, mining and forestry, on the environment and indigenous rights, mainly in the areas around the Amazon, the northern border and the Pacific coast. The problems faced by remote or voluntarily isolated populations deserve special attention, as they are adversely affected by the illegal felling of trees and other illicit activities in their territories. Oil exploration activities on indigenous lands have likewise triggered resistance in some communities, as in the case of the Sarayaku people in the Amazon region, who have sought protection from the inter-American human rights system.

23. Despite economic growth in recent years, the various indicators of indigenous peoples' economic, social and human development remain below the national average. In addition to rural poverty, the situation of indigenous people living in urban areas, especially women, has become increasingly difficult.

24. The lack of compatible legislation in the area of indigenous justice leads to instances of conflicts of jurisdiction between indigenous jurisdiction and ordinary justice. Problems concerning indigenous people's access to the justice system are worsened by the lack of an adequate ombudsman system, the absence of translators and the low level of intercultural sensitivity among justice practitioners and public officials in general. The Special Rapporteur has made several recommendations to the Government of Ecuador and proposals for international technical cooperation, which, if properly implemented, could improve the human rights situation of the indigenous people of Ecuador.

B. Follow-up to the recommendations contained in the reports of the Special Rapporteur

25. At the request of the Commission on Human Rights, the Special Rapporteur carried out activities to study the follow-up in various countries to recommendations contained in his reports. In May he paid a follow-up visit to Guatemala, to determine what changes had taken place since his official visit in 2002. He was then able to confirm the importance and need for follow-up activities through governmental human rights monitoring mechanisms, national institutions and civil

society organizations in their work to improve the human rights situation in the various countries.

26. There have been a number of changes and improvements in the human rights situation of indigenous people in Guatemala. The State authorities' increasing awareness of the need to prioritize human rights issues is especially significant and has led to the creation of various forums for dialogue between the indigenous peoples and the Government.

27. Official recognition of crimes committed during the armed conflict and having a profound impact on indigenous communities is also particularly significant. In that respect, the importance of the first cases of judicial sentences for discrimination against indigenous people should be stressed.

28. In spite of this significant progress, the visit to Guatemala also created an opportunity to illustrate that the level of discrimination and racism against indigenous peoples is still very high, and the status of indigenous women and children was cause for much concern. During his mission, the Special Rapporteur was also able to observe great delays in the process to implement the Peace Agreements, in particular the Agreement on Identity and Rights of Indigenous Peoples. The bodies created for the protection of indigenous rights do not have an adequate institutional base or budgetary allocations. The system of justice administration requires substantial and urgent support in order to ensure that indigenous persons, especially indigenous women, have access to it when their human rights are violated. The recognition of indigenous customary law, under the umbrella of Guatemalan legislation itself and within the framework of respect for international human rights standards, is therefore crucial.

29. Despite official recognition of the atrocities committed during the armed conflict and the State's responsibility, the indigenous communities clearly feel that justice will not be served until all the perpetrators of these crimes are punished.

30. In Mexico, a number of activities have been aimed at developing an appropriate methodology to assess the degree of compliance with the Special Rapporteur's recommendations. Together with governmental authorities and indigenous and human rights organizations, the Special Rapporteur has taken part in some of these activities. He has also visited indigenous communities in various parts of the country to obtain first-hand information. The authorities have dealt with some of the needs expressed by many indigenous communities in Mexico, providing such things as infrastructure works, social services and support for productive activities. Given the considerable backlog of accumulated needs, however, these forms of support have been insufficient. The portion of the Government's budget devoted to solving the enormous problems facing indigenous communities has not been increased in recent years. Worse yet, in some cases the authorities have taken decisions on development projects in indigenous areas whose outcome could have a serious impact on human rights in the affected communities, as has been the case in the La Parota dam construction project in the State of Guerrero. Modification of the Indigenous Act of 2001 — which has been incorporated into the Constitution — and compliance with the San Andrés peace accords, as recommended in the Special Rapporteur's report on his official mission to Mexico in 2003, are still pending.

31. On 2 and 3 October 2006, the Special Rapporteur took part in a meeting held in Ottawa with representatives of the Government of Canada and various indigenous

and human rights organizations on follow-up to his recommendations after his mission to Canada in 2004. On 5 to 7 October, an international expert seminar was held on general follow-up to his Special Rapporteur's recommendations. These events, which reflect a growing interest in the matter of implementation, will provide important inputs for the completion of the study of "best practices" carried out to implement the Special Rapporteur's recommendations, as requested by the Commission on Human Rights. Likewise, this type of event represents a model for strengthening activities aimed at following up the Special Rapporteur's recommendations in other previously visited countries. Similar events in Chile and the Philippines are being planned for the year 2007.

C. Communications with Governments and follow-up to reports of violations of the human rights of indigenous people

32. The Special Rapporteur has continued to receive a growing number of communications from indigenous and civil society organizations containing complaints of violations of indigenous peoples' rights. Increasingly, these communications have resulted in letters of allegation or, where there exists a serious or imminent threat to human rights, urgent appeals to Governments. The rise in the number of communications is a sign that indigenous people and organizations are becoming more aware of reporting mechanisms, but it is also a disturbing reminder of the number of serious violations and restrictions of the human rights of these people. Of special concern is that only a few States involved in this communications system have followed up the letters of allegation and urgent appeals addressed to them in any systematic or satisfactory way. The Special Rapporteur has recommended to the Human Rights Council that special attention should be given, during the universal periodical review of special procedures, to this serious constraint on the building of an effective system for protecting indigenous peoples' rights.

III. Future international protection of indigenous rights

33. At the international level, the Special Rapporteur points out the importance of the adoption, on 29 June 2006, of the draft United Nations Declaration on the Rights of Indigenous Peoples by the Human Rights Council at its first session. This event, which took place after nearly 20 years of negotiations in Geneva, is an outcome that has been long awaited by indigenous peoples and by the universal human rights community. Unfortunately, this new international human rights instrument was not adopted by consensus, and it is therefore particularly important for this General Assembly to endorse its adoption and thereby demonstrate support for the constructive work of the Human Rights Council.

34. The draft Declaration, in the Special Rapporteur's view, is already a useful mechanism for the protection and promotion of human rights among indigenous peoples throughout the world and a reflection of the emerging international consensus on the content of indigenous peoples' rights. The Special Rapporteur sincerely hopes that the Council and this Assembly will continue to give this important development in the human rights field all the attention it deserves.

35. Various new perspectives have opened up in confronting the challenge represented by the draft Declaration, a milestone in the efforts to protect the human rights of indigenous peoples. One is the need to clarify and enhance the human rights and international obligations of States deriving from existing human rights instruments, and to update their content in the light of the draft Declaration, since the latter is not a legally binding instrument. National and international courts will no doubt play an important and innovative role in this process.

36. The draft Declaration will also serve as a guide for the actions of human rights treaty bodies in their work of interpreting the scope of the provisions of these treaties in relation to States parties. Thus, the Declaration will help to enhance and consolidate the international case law produced by universal and regional bodies in relation to the rights of indigenous peoples.

37. The draft Declaration will be a valuable factor in the discussion about future international standards in indigenous matters, both in the international human rights system and in regional or specialized areas. Accordingly, the adoption of the Declaration will also give a strong impetus to the clarification of emerging or existing customary law concerning the rights of indigenous peoples at the international level.

38. As in the case of previous human rights declarations (the Universal Declaration of Human Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities or other declarations that have subsequently become international conventions), the draft United Nations Declaration on the Rights of Indigenous Peoples can play an important role in guiding national legislative processes linked to indigenous peoples' rights in countries where this issue is relevant and/or immediate. The draft Declaration is already an essential frame of reference for the indigenous peoples who are holding a dialogue with Governments in the quest for innovative legislative solutions to old problems of discrimination, exclusion, cultural negation and lack of legal recognition.

39. A careful re-evaluation of the various international promotion and cooperation activities being carried out by United Nations bodies will also be useful, especially in the framework of the Millennium Development Goals, in order to achieve full implementation of the provisions of the Declaration, especially in countries where indigenous populations live.

40. Lastly, I should like to make an urgent appeal to all States members of this Assembly to adopt the draft United Nations Declaration on the Rights of Indigenous Peoples transmitted to it by the Human Rights Council.

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Agenda items 11, 27, 44 and 90 (n)

Security Council
Sixty-first year

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Culture of peace

General and complete disarmament: confidence-building measures in the regional and subregional context

Letter dated 29 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

In my capacity as a representative of the country coordinator of GUAM (Georgia, Ukraine, Republic of Azerbaijan and Republic of Moldova), I have the honour to transmit herewith a statement of the Council of Ministers for Foreign Affairs of the GUAM States of the Organization for Democracy and Economic Development — GUAM (ODED-GUAM), adopted by the ODED-GUAM ministerial meeting held in New York on 25 September 2006 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 11, 27, 44 and 90 (n), and of the Security Council.

(*Signed*) Viktor **Kryzhanivskyi**
Chargé d'affaires a.i.

06-55304 (E) 041006 061006

Annex to the letter dated 29 September 2006 from the Chargé d'Affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by the Council of Ministers for Foreign Affairs of the member countries of the Organization for Democracy and Economic Development — GUAM concerning the "referendum" in the Transnistrian region of the Republic of Moldova

The Ministers for Foreign Affairs of the member countries of the Organization for Democracy and Economic Development — GUAM (Georgia, Ukraine, the Republic of Azerbaijan and the Republic of Moldova) have firmly rejected the so-called "referendum" held on 17 September 2006 in the Transnistrian region of the Republic of Moldova and its results, which have no legal consequences from the standpoint of international law.

This "referendum" is illegal and its results cannot be recognized since they violate the internationally recognized sovereignty and territorial integrity of the Republic of Moldova and the principles and purposes of the United Nations and the Organization for Security and Cooperation in Europe (OSCE) in this sphere, and do not contribute to a settlement of the Transnistrian conflict.

The situation in which the "referendum" was held did not meet universally recognized democratic standards and cannot be regarded as the freely expressed will of the population of the Transnistrian region of the Republic of Moldova.

In this regard, the Ministers for Foreign Affairs of the member countries of GUAM endorse the statements by the European Union, the Chairman-in-Office of OSCE, the Committee of Ministers of the Council of Europe and a number of States rejecting the results of the "referendum".

The international community has once again confirmed that a settlement of the Transnistrian conflict is possible only through preservation of the sovereignty and territorial integrity of the Republic of Moldova and also respect for the rights and freedoms of the population on both banks of the Dniester river.

The Ministers for Foreign Affairs of the member countries of GUAM call upon the participants in the "5+2" negotiating process to return to the negotiating table as soon as possible and make all necessary efforts to find a final and just solution to the Transnistrian conflict in accordance with international standards and earlier agreements.

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A/61/492

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Culture of peace

Identical letters dated 28 September 2006 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General and the President of the General Assembly

I have the honour to refer to the First Ministerial Meeting on Interfaith Dialogue and Cooperation for Peace, held on 21 September 2006 at United Nations Headquarters. The Meeting adopted the attached ministerial statement, which spells out the plan of work that the 15 like-minded countries will pursue (see annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 44.

(*Signed*) Lauro L. **Baja**, Jr.
Permanent Representative

06-55607 (E) 091006

Annex to the identical letters dated 28 September 2006 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General and the President of the General Assembly

1. The Ministers of like-minded States* met on 21 September 2006 in New York, pursuant to the mandate contained in the *Declaration on Interfaith Dialogue and Cooperation for Peace*, adopted by their leaders on 13 September 2005 in New York.

2. The Ministers underlined the commitment of Member States to promote a culture of peace and dialogue at the local, national, regional and international levels, as embodied in the United Nations Millennium Declaration, which considers, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity.

3. The Ministers noted with satisfaction that the 2005 World Summit Outcome reaffirms, inter alia, the Declaration and Programme of Action on a Culture of Peace as well as the Global Agenda for Dialogue among Civilizations and its Programme of Action and the value of different initiatives on dialogue among cultures and civilizations, including interfaith dialogue and cooperation.

4. The Ministers also noted with satisfaction that since the adoption of the *Declaration on Interfaith Dialogue and Cooperation for Peace*, several reinforcing and positive developments and initiatives have taken place at the national, regional and international levels, notably the relevant resolutions adopted by the UN General Assembly at its 60th session, the launching of the Alliance of Civilization, the establishment of the Tripartite Forum on Interfaith Cooperation for Peace, UNESCO's flagship project on interfaith dialogue, the creation of the Human Rights Council, the Larnaca Action Plan on Interfaith Understanding and Cooperation for a Peaceful World, and the Second Congress of Leaders of World and Traditional Religions, which, inter alia, affirm the need for all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, cultures and religions.

5. The Ministers stressed the importance of concrete and sustained activities implemented in all regions by the widest possible range of partners and stakeholders to promote a culture of peace, and in this regard, invited States, international and regional organizations and civil society, including non-governmental organizations, to develop practical and action-oriented steps at

the local, national, regional and international levels to further promote dialogue and mutual understanding among religions, cultures and civilizations.

6. The Ministers called for a strong and uniting message about the need for dialogue and understanding among civilizations, cultures and religions that should be a clear signal to commit to work together to evolve better ways of promoting tolerance and respect for diversity and respect for freedom of thought, conscience, religion and belief. The relevant UN organs, including the General Assembly, and the work of the CHR Special Rapporteur on freedom of religion and belief should make positive contributions in that respect and promote much needed dialogue on those important and sensitive issues including by better implementation of all relevant provisions in the existing international instruments as well as exploring the possibility of further measures at the international, regional and national levels to enhance the elimination of all forms of religious intolerance.

7. The Ministers agreed to initiate discussions in the United Nations on the positive role that public information dissemination can play in promoting tolerance, respect for and freedom of religion and belief.

8. The Ministers underscored the need for harmonized and coordinated actions through, inter alia, legislative measures at national, regional and international levels, prohibiting the dissemination of xenophobic and racist materials targeting any religious or ethnic communities, which fortifies intolerance and constitutes incitement to discrimination, hostility and hatred.

9. The Ministers, taking intc account the forthcoming report of the High Level Group of the Alliance of Civilizations, agreed to consider on the need for the future designation of a UN official as focal person in the UN Secretariat to advise the Secretary-General on the growing international and regional activities on interfaith dialogue and cooperation for peace and other related programs and initiatives at the national, regional and international levels.

10. The Ministers agreed to exchange views, at their next meeting, on their respective national experiences in pursuance of the *Declaration on Interfaith Dialogue and Cooperation for Peace* and invited other governments to contribute to this effort, for the information and guidance of other UN Member States with a view to drawing their support and cooperation.

11. The Ministers decided to meet at the margins of the general debate of the 62nd Session of the UN General Assembly and invited other governments to adhere to the *Declaration on Interfaith Dialogue and Cooperation for Peace*.

* *People's Republic of Bangladesh, Arab Republic of Egypt, The Gambia, Republic of Indonesia, Islamic Republic of Iran, Republic of Kazakhstan, Socialist People's Libyan Arab Jamahiriya, Malaysia, Islamic Republic of Pakistan, Republic of the Philippines, Republic of Senegal, Republic of Slovenia, Republic of Tajikistan, Kingdom of Thailand and Republic of Trinidad and Tobago.*

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The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 3 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a list of Israeli acts of aggression against Lebanon that took place between 29 September and 2 October 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

06-55310 (E) 051006 061006

Annex to the identical letters dated 3 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations and acts of aggression against Lebanon from 0800 hours on 29 September 2006 to 0800 hours on 30 September 2006

From 0800 hours on 29 September 2006 to 0800 hours on 30 September 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and air violations by the Israeli enemy continued.

Air violations

There was one air violation by an enemy Israeli reconnaissance aircraft reported.

At 0915 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre and circled over the South region. It left Lebanese airspace at 1215 hours over Aalma al-Chaab.

Injuries resulting from mines, cluster bombs and unexploded ordnance

At 1355 hours on the outskirts of the town of Qaaqaiet al-Jisr, near the Litani River, while civil defence personnel were putting out a fire, a cluster bomb left behind by the Israeli aggression exploded near a volunteer, Nidal Yasin, injuring his left foot (his condition is not serious).

Israeli violations and acts of aggression against Lebanon from 0800 hours on 30 September 2006 to 0800 hours on 1 October 2006

From 0800 hours on 30 September 2006 to 0800 hours on 1 October 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and land and sea violations by the Israeli enemy continued.

Land violations

Between 2130 hours and 2150 hours, enemy Israeli forces fired several flares over the border of occupied Palestinian territory opposite the towns of Maroun al-Ras, Blida and Aaitaroun.

Sea violations

At 0545 hours, an enemy Israeli military launch fired several flares in the open sea off Ras al-Naqoura.

Injuries resulting from mines, cluster bombs and unexploded ordnance

At 1320 hours in the town of Yanouh, a cluster bomb left behind by the Israeli aggression exploded resulting in minor injury to 'Imad Sallama's feet (this condition is not serious).

Israeli acts of aggression against Lebanon from 1 October 2006 to 2 October 2006

In reference to communication 2628/MM of 2 October 2006 regarding Israeli acts of aggression against Lebanon:

On the night of 30 September-1 October 2006, enemy Israeli forces withdrew from the Lebanese border regions where they had been stationed along the Blue Line with the exception of the northern half of the town of Ghajar.

Prior to their withdrawal from Lebanese territory to behind the Blue Line, they dug a trench at Al-Abbad outpost inside Lebanese territory approximately 20 metres long and 1.5 metres wide. Behind it, they installed a barbed wire strip approximately 50 metres long and 5 metres wide.

Army unit activities

- Army units in the South were charged with deploying along the Blue Line as of 0800 hours on 2 October 2006.
- Verification by the Lebanese Army and UNIFIL of violations along the Blue Line has begun.
- Army units are dealing with unexploded shells, missiles and cluster bombs in various areas.
- Army units are taking part in rubble removal and relief activities.
- Army units are taking part in operations to combat marine pollution.
- Army units are taking part in opening up roadways.

Miscellaneous

At 1045 hours, the Chinese ambassador to Lebanon, Ms. Liu Xianghua, accompanied by the Chinese military attaché Colonel Chen Guansheng, arrived at the headquarters of the Chinese contingent of UNIFIL in Al-Henniye and attended an award ceremony, along with UNIFIL Commander Major-General Pellegrini and the head of the army liaison unit. Major-General Pellegrini made a speech praising the role of China in the United Nations.

At 1815 hours, in Ouadi al-Zeini, a ceremony for the opening of an iron bridge was held. It was attended by Admiral Xavier Magne and a group of French officers, Member of Parliament Alaeddine Tirro, and a Lebanese military delegation.